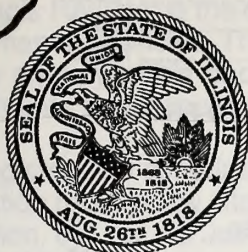


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JIM EDGAR
Secretary of State

VOLUME 14
ISSUE 31

**A WEEKLY
PUBLICATION**

**AUGUST 3
1990**

Pages 12345-12696

Secretary of State
Administrative Code Div.
288 Centennial Bldg.
Springfield, IL 62756

ILLINOIS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES

PAGE

CORRECTIONS, DEPARTMENT OF Rights & Privileges; 20 Ill. Adm. Code 525	12345
EDUCATIONAL OPPORTUNITY, ILLINOIS CONSORTIUM FOR Ill. Consortium for Educational Opportunity Program; 23 Ill. Adm. Code 2400	12357
EMPLOYMENT SECURITY, DEPARTMENT OF Determination of Unemployment Contributions; 56 Ill. Adm. Code 2770	12364
FIRE MARSHAL, OFFICE OF THE STATE Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances; 41 Ill. Adm. Code 170	12373
RACING BOARD, ILLINOIS Entries, Subscriptions & Declarations; 11 Ill. Adm. Code 1413	12385
Pari-Mutuels; 11 Ill. Adm. Code 405	12389
Totalizator Operations; 11 Ill. Adm. Code 433	12393
STATE POLICE, DEPARTMENT OF Ill. Uniform Conviction Information Act; 20 Ill. Adm. Code 1215	12398

ADOPTED RULES

CONSERVATION, DEPARTMENT OF Camping on Dept. of Conservation Properties; 17 Ill. Adm. Code 130	12402
Taking of Wild Turkeys - Fall Archery Season, The; 17 Ill. Adm. Code 720	12413
Taking of Wild Turkeys - Fall Gun Season, The; 17 Ill. Adm. Code 715	12421
White-Tailed Deer Hunting by Use of Firearms, 17 Ill. Adm. Code 650	12430
EDUCATION, STATE BOARD OF Comprehensive Health Education; 23 Ill. Adm. Code 253	12452
Public Schools Evaluation, Recognition & Supervision; 23 Ill. Adm. Code 1	12457
LABOR, DEPARTMENT OF Nurse Agency Licensing Act; 68 Ill. Adm. Code 690	12516
LEGISLATIVE INFORMATION SYSTEM Access to Legislative Information System Information; 3 Ill. Adm. Code 600 ...	12531
POLLUTION CONTROL BOARD Effluent Standards; 35 Ill. Adm. Code 304	12538
PUBLIC COUNSEL, OFFICE OF Freedom of Information Act; 2 Ill. Adm. Code 2701	12543

(continued on next page)

1235 .A21

14
31
inois register
eived on: 08-08-90

PUBLIC HEALTH, DEPARTMENT OF

Asbestos Abatement for Public & Private Schools in Ill.; 77 Ill. Adm.

Code 855	12552
Migrant Labor Camp Code; 77 Ill. Adm. Code 935	12633
Recreational Area Code; 77 Ill. Adm. Code 800	12663

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

Local Tourism & Convention Bureau Program; 14 Ill. Adm. Code 550,

(Refusal)	12686
-----------------	-------

PUBLIC HEARINGS

PUBLIC HEALTH, DEPARTMENT OF

Food Service Sanitation Code; 77 Ill. Adm. Code 750	12687
---	-------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	12689
-------------------------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

90-341 Stephen T. Hynes Day (Revised)	12692
90-350 American Business Women's Day	12692
90-351 Broken Arrow Day	12693
90-352 Help Retarded Citizens Days	12693
90-353 Leukemia Awareness Week	12694
90-354 Toastmasters Month	12694
90-355 Adult Day Care Week	12695
90-356 Patriarch Dimitrios Day	12695
90-357 Uruguay Day	12696

CUMULATIVE INDEX

1990 Index - Issue #31	CI-1
------------------------------	------

SECTIONS AFFECTED INDEX

1990 Index - Issue #31	SAI-1
------------------------------	-------

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

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DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RIGHTS AND PRIVILEGES
- 2) Code Citation: 20 Ill. Adm. Code 525
- 3)

Section Numbers:	Proposed Action:
525.110	Amend
525.130	Amend
525.140	Amend
525.210	Amend
525.230	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 3-2-2, 3-7-1, 3-7-2, and 3-7-4 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-2-2, 1003-7-1, 1003-7-2, and 1003-7-4).
- 5) A Complete Description of the Subjects and Issues Involved: The statutory authority is being updated and the following sections are being amended:

Section 525.110(d) is being revised to update the list of privileged mail and to clarify from which state, federal, and local law enforcement agencies mail is considered privileged.

Section 525.110(e) is being revised to further define legal mail. Current interpretations of this rule have been too broad; the changes clarify mail sent or received from organizations.

Section 525.130(b) is being revised to further clarify that mail which is not legal mail will only be sent if the committed person has the funds for postage; the Department is not responsible for postage on privileged mail if the committed person is without funds.

Section 525.140(j) is being revised to add procedures for processing mail of committed persons who are temporarily absent the facility on writ or furlough.

Section 525.140(k) is being revised for security reasons to require the content of all packages not sent from a pre-approved vendor to be clearly marked on the outside of the package.

Section 525.210(d) is being revised in conjunction with revisions to Section 525.140 to state that publications will be delivered "promptly" instead of on the same day of delivery to the institution.

Section 525.230(e) is being revised to provide for names of individuals to be deleted, due to confidentiality or safety and security considerations, from copies of Publication Review Committee proceedings maintained for access by committed persons.

ILLINOIS REGISTER

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? Yes
☒ No
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking does not create or expand any State mandates.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of this publication will be considered.
- 12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.
- The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.110 Definitions

- a) "Chief Administrative Officer" means the highest ranking official of a correctional facility.
- b) "Department" means the Department of Corrections.
- c) "Director" means the Director of the Department of Corrections.
- d) "Privileged mail" means mail to and from the following:

- 1) The Director;
- 2) Deputy Directors and Assistant Deputy Directors of the Department;
- 3) Members of the Office of Advocacy Services;
- 4) Members of the Administrative Review Board;
- 5) Members of the Prisoner Review Board;
- 6) The Governor of Illinois;
- 7) Federal, Illinois or local Illinois legislators;
- 8) Chief Executive Officers of federal, state or local law-enforcement agencies the Federal Bureau of Investigations, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;

- 9) Officials of the U.S. Department of Justice John Howard Association; and
- 10) Legal mail.

- e) "Legal mail" means mail to and from the following:

- 1) Registered Attorneys;
- 2) The Illinois Attorney General;

- 3) Judges or magistrates of any court or the Illinois Court of Claims; and
- 4) Any organization which provides direct legal representation and services to committed persons, but not including organizations which provide referrals to attorneys such as, bar associations.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 525.130 Outgoing Mail

This section applies only to the Adult and Juvenile Divisions.

- a) Committed persons shall be permitted to mail at State expense the equivalent of three one-ounce, first-class letters to the continental United States each week. This allowance may not be transferred from one committed person to another, nor may it accumulate from one week to another.
- b) Committed persons shall be permitted to send additional letters if they have sufficient funds in their trust fund accounts and attach signed money vouchers to cover the postage. Committed persons with insufficient money in their trust fund accounts shall be permitted to send reasonable amounts of legal mail and mail to clerks of any court or the Illinois Court of Claims and to certified court reporters at State expense. All other mail will be sent only if the committed person has sufficient funds to pay the postage.
- c) Committed persons must clearly mark all outgoing mail with their name and in the Adult and Community Services Divisions with their institutional number. Mail that is not properly marked, including privileged mail, shall be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.
- d) Outgoing privileged mail must be clearly marked as "privileged" and sealed by the committed person. Outgoing mail which is clearly marked as privileged and addressed to a privileged party may not be opened for inspection.
- e) With the exception of privileged mail, all mail shall be unsealed when collected or placed in housing unit mailboxes. Sealed mail that is not privileged will be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- f) Each correctional facility shall establish procedures for the collection of outgoing mail. Collections shall be made daily, Monday through Friday, except on State holidays. Every effort shall be made to ensure that mail is delivered to the U.S. Postal Service on the same day.
- g) Outgoing non-privileged mail shall be inspected for contraband. If a letter from a committed person is confiscated because it contains contraband, the committed person shall be notified promptly in writing.
- h) Department employees may spot check and read outgoing non-privileged mail. Outgoing non-privileged mail or portions thereof may be reproduced or withheld from delivery if it presents a threat to security or safety, including the following:
- 1) The letter contains threats of physical harm against any person or threats of criminal activity;
 - 2) The letter contains threats of blackmail or extortion;
 - 3) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;
 - 4) The letter is in code and its contents cannot be understood by correctional staff;
 - 5) The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules;
 - 6) The letter solicits gifts, goods or money from other than family members;
 - 7) The letter contains information which if communicated might result in physical harm to another;
 - 8) The letter contains unauthorized correspondence with another committed person; or
 - 9) The letter or contents thereof constitute a violation of State or federal law.
- i) Any outgoing letter may be stopped and returned to the sender if the person to whom it is addressed (or a parent or guardian, if the addressee is a minor or incompetent) has notified the Chief Administrative Officer in writing that he does not wish to receive

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- mail from the committed person. This rule shall not be construed to prevent a committed person from corresponding with his children unless his parental rights have been terminated.
- j) If a committed person is prohibited from sending a letter or portions thereof, he shall be informed in writing of the decision.
- k) Material from a letter which violates Section 525.130(h) of this Subpart may be placed in a committed person's master file.
- l) Committed persons may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 525.140 Incoming Mail

- a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title and address of the sender.
- b) Incoming privileged mail may be opened in the presence of the committed person to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.
- c) Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.
- d) All incoming non-privileged mail shall be opened and inspected for contraband.
- e) Cashier's checks, money orders and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the committed person's trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency or firm's account and any check written on an employer's personal account for wages due a person assigned to the Community Services Division. The committed person shall be notified of all monies received and deposited in his trust fund account. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender and the committed person shall be notified.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

f) Personal checks and cash shall be returned to the sender and the sender shall be notified that funds cannot be received in that form.

g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced or withheld from delivery for any of the reasons listed in Section 525.130(h) of this Subpart or if determined to be obscene by the Publications Review Committee in accordance with Subpart C of this Part.

h) When a committed person is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.

i) If a committed person has been transferred or released, first class mail shall be forwarded to him if his address is known. If no forwarding address is available, the mail shall be returned to the sender.

j) If a committed person has been absent from the facility on a furlough or pursuant to writ, his mail shall be held at the facility for a period of one month, unless the committed person has made a written request to the Chief Administrative Officer to have his mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the committed person's address, if known, or returned to the sender, unless alternative arrangements have been made.

k) Committed persons may receive books and periodicals in accordance with Subpart C of this Part, and may receive manual typewriters ordered directly from a supplier through the commissary. Committed persons in the Adult and Juvenile Divisions shall not be permitted to receive catalogs, except catalogs for books or periodicals. Other packages may be received only as approved by the Chief Administrative Officer. The contents of all packages other than packages sent from pre-approved vendors, including packages containing books and periodicals, must be clearly listed on the outside of the package. Packages which do not contain a description of the contents shall be returned to the sender. All packages shall be opened and searched prior to delivery.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART C: PUBLICATIONS

Section 525.210 General Guidelines

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

a) Each facility shall maintain a current approved list of publications. Additions to this list, including all books, magazines, newspapers and other publications found acceptable by the Publications Review Committee, shall be made every three months.

b) This Subpart, the updated approved list, further explication or interpretation of institutional policies regarding publications, and the current names and positions held by each member of the Publications Review Committee shall be prominently posted.

c) Each committed person may subscribe to, solicit free copies of, or buy individual copies of approved newspapers, magazines, books and other publications for delivery to the facility by placing a request with the Chief Administrative Officer. A member of the individual's family or a friend may also order, solicit or bring approved publications to the facility.

d) All approved publications shall be delivered promptly after directly to the individual with his daily mail on the same day they are received in the facility mail room. This time may be extended only in order to perform necessary inspection for contraband.

e) Publications determined to be unacceptable shall be disposed of as contraband in accordance with 20 Ill. Adm. Code 501: Subpart C or shall be returned to the sender at the sender's expense.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 525.230 Appeal Process for Non-approved Publications

a) When a requested publication is not on the approved list, the Chief Administrative Officer shall transmit the request to the Publications Review Committee for review. If the Committee decides that the requested material is acceptable, it shall respond within seven working days, whenever possible.

b) If a review is initiated, the Committee shall order two issues of the periodical or a copy of the book requested, if such material is available and/or accessible. At the same time, the committee shall immediately notify the committed person in writing that his request is under review, and shall indicate in the notice that:

1) He has the right to submit a written supportive statement, book reviews or opinions of other individuals with regard to the merits of the publication in question.

2) He may correspond with five publishers, reviewers, experts, critics or other persons concerning the requested publication

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

using a form letter provided by the Committee. If an individual is unable to pay the postage for such correspondence, it shall be sent at the facility's expense.

- 3) He may request and, at the Committee's discretion, he may be allowed to appear before the Committee when the circumstances warrant an oral presentation.
- 4) He may ask for assistance, information regarding the Committee's procedure, or a further specification of the alleged offending portions of the publication in question. One or more members of the Committee may confer with him in his cell or any other place of mutual convenience.
- 5) The Committee shall complete its review and render its final decision within four weeks, unless delay is caused by circumstances beyond its control.
- 6) He may have an extension of time to prepare his presentation. When an extension of time is granted, the four-week review period shall be suspended until after the last day of the extension or the date on which he informs the committee in writing that his preparation is concluded, whichever is sooner.
- c) The Committee shall only prohibit acceptance of any material it finds to be:

- 1) Obscene, according to the definition of obscenity established by the U.S. Supreme Court; or
- 2) A clear and present danger to the physical safety and security of persons and property within the facility.
- d) If a request for a publication is denied, the Committee shall prepare a written statement explaining why the material is unacceptable. The statement shall explain briefly how the requested material violated the standards for review and shall reasonably identify the offending portions of the publication. Copies of this statement shall be forwarded to the requesting individual and to the Chief Administrative Officer.

- e) The Publications Review Committee shall record and maintain for a period of five years a written summary of all proceedings in review, conferences and meetings, and shall preserve file copies of all notices and other documents pertinent to the case. These files shall be kept in an area of the facility readily accessible to individuals using the legal library. The names of individuals may

ILLINOIS REGISTER
DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

be deleted from the file copies maintained in the legal library based among other matters on confidentiality and safety and security concerns. The fact that a deletion has been made shall be noted on the copy.

- f) The Chief Administrative Officer shall review all recommendations of the Committee. When the Chief Administrative Officer overrules the Committee's decision, he must advise the Director.
- g) Once a publication has been approved by the Committee and the Chief Administrative Officer, it shall not be excluded because an occasional feature violates the standards for review.
- 1) The offending issue of the periodical, upon determination of unacceptability by the Committee, shall be retained in the Committee's file.
- 2) If, over a period of time, the record indicates that the characteristic content of an approved publication has changed, it shall be reviewed again by the Committee. Notice of such review shall be given to all individuals then receiving the publication and they shall be afforded a hearing.
- h) If, over a period of time, the characteristic content of a disapproved publication changes so as to warrant its acceptability, the Committee shall again review the publication upon request of any individual.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Illinois Consortium for Educational Opportunity Program

2) Code Citation: 23 Ill. Adm. Code 2400

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
2400.10	Amendment
2400.20	Amendment
2400.30	Amendment
2400.50	Amendment
2400.60	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 144, pars. 2301 et seq.

5) A complete description of the subjects and issues involved: The proposed amendments to the rules implement amendments to the enabling Act for the Consortium regarding eligibility for an award and conditions of the award. In addition, proposed amendments make consistent the definition of institutions of higher learning, and place in italic print those portions of the rules that are excerpts from or paraphrase of the statute.

6) Whether the proposed amendment will replace an emergency rule currently in effect? No.

7) Whether the proposed amendment contains an automatic repeal date: No.

8) Whether the proposed amendment contains incorporation by reference: No.

9) Whether there are any other proposed amendments to this Part pending: No.

10) A statement of Statewide Policy Objectives: Not applicable.

11) The time, place and manner in which interested persons may present their views concerning the proposed action. All persons who submit a request to comment within 14 days after this Notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments:

Charles Morris, Illinois Consortium for Educational Opportunity
c/o Illinois Board of Higher Education
4 West Old Capitol Square, 500 Resch Building
Springfield, Illinois 62701
217/782-2551

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 12, 1990

B) Types of small businesses affected: none.

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

C) Reporting, bookkeeping or other procedures required for compliance: no new procedures.

D) Types of professional skills necessary for compliance: none.

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XV: ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

PART 2400

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY PROGRAM

Section

2400.10

Purpose

2400.20

Definitions

2400.30

ICEOP Program Guidelines

2400.40

Determining and Administering Awards

2400.50

Fulfillment of the Conditions of the Award

2400.60

Application Procedures

AUTHORITY: Implementing and authorized by The Illinois Consortium for Educational Opportunity Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 144, pars. 2301 et seq.).

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 13402, effective July 28, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 4674, effective March 6, 1987; amended at 14 Ill. Reg. , effective

Section 2400.10 Purpose

This Part provides for the administration of the Illinois Consortium for Educational Opportunity Act (Ill. Rev. Stat. 1985-89, ch. 144, pars. 2301 et seq.) and the program of financial aid under this Act called the Illinois Consortium for Educational Opportunity Program (ICEOP).

(Source: Amended at 14 Ill. Reg. , effective)

Section 2400.20 Definitions

"Academic Year" means the period of time beginning with fall term in one calendar year and running through the end of summer term in the following calendar year.

"Act" means the Illinois Consortium for Educational Opportunity Act.

"Board" means the Board of Higher Education.

"Illinois Resident" means any United States citizen or lawful permanent resident alien of the United States who meets at least one of the following requirements:

At least one parent or step-parent of the student must reside in Illinois; or

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

The emancipated (self-supporting) student must have lived in Illinois for a period of six consecutive months and must be a registered voter in the State of Illinois; or

The student must be a graduate of an Illinois high school or ~~Illinois postsecondary educational institution~~ institution of higher education.

The status of the Illinois residency of the student at the time of initial matriculation in this program will hold for his or her entire time in his or her graduate or professional study at the ICEOP institution.

~~"Postsecondary educational institution"~~ "Institution of higher learning" means an educational institution of any kind which offers a postsecondary education and credential upon completion, titled a "degree."

"Traditionally underrepresented minority group" means any of the racial minority groups designated in the Act which are represented in Illinois postbaccalaureate enrollment at a percentage rate less than the percentage of the racial minority group's representation in the total Illinois population. The Board shall annually determine which racial groups are underrepresented based upon census data and annual graduate enrollment reports from Illinois institutions of higher education.

(Source: Amended at 14 Ill. Reg. , effective)

Section 2400.30 ICEOP Program Guidelines

a) An ICEOP participating institution shall:

- 1) be an institution of higher education as defined in the Act;
- 2) actively recruit students who will be eligible for ICEOP awards and verify to the Consortium to ward that applicants for ICEOP financial assistance meet all eligibility requirements;
- 3) maintain records for award recipients including program application materials, contracts and records of award payments;
- 4) provide award recipients with academic and support services, such as mentoring, counseling, and other activities that would enhance the chances for degree completion and success in achieving the goals of the program;
- 5) supervise payment of awards from the funds awarded by the Consortium Board;
- 6) collect, process and forward to the Consortium Board by March 1 of each year all new applications and renewal forms from eligible students; and
- 7) assist award recipients who complete their program of study in seeking a position in teaching or administration in an Illinois postsecondary educational institution

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

or on an Illinois higher education governing or coordinating board staff; or as an employee of this state in an education related position.

- b) For the applicant student to be eligible to participate in the ICEOP, the student shall establish and the applicable institution shall verify that the student applicant meets the following criteria:

- 1) ~~he or she is an Illinois resident; he or she is an Illinois resident;~~
- 2) ~~he or she is a citizen or lawful permanent resident alien of the United States;~~
- 2)3) ~~he or she is a member of a racial minority identified in the Act; he or she is a member of a racial minority identified in the Act;~~

- 3)4) ~~he or she has earned a baccalaureate degree from a postsecondary educational institution; he or she has earned a baccalaureate degree from an institution of higher learning;~~

- 5) ~~he or she has earned any educational diploma at an institution of education located in this state or he or she is an Illinois resident for no less than three years prior to applying for the grant;~~

- 4)6) ~~he or she has been admitted as a student pursuing a doctoral, master's, or postbaccalaureate professional degree and will pursue this degree objective at least as a half-time student, as defined by the institution;~~

- 5)7) ~~he or she signs has signed an agreement to meet the Act's employment conditions if an ICEOP award is accepted;~~

- 6)8) ~~his or her financial resources are such that in the absence of a ICEOP grant the individual will be prevented from pursuing a graduate or professional degree at the institution; and his or her financial resources are such that in the absence of a ICEOP grant the individual will be prevented from pursuing a graduate or professional degree at the institution; and~~

- 7)9) ~~he or she has above-average academic ability to pursue a graduate or professional degree; he or she has above-average academic ability to pursue a graduate or professional degree, as evidenced by the following:~~

- A) ~~completion of a baccalaureate degree from an accredited institution;~~
- B) ~~minimum grade point average of C+ (2.75 on a grade scale of 4.00 = A) in the last 60 hours of undergraduate work; and~~
- C) ~~admission to a post-baccalaureate degree program at an ICEOP participating institution.~~

- c) In order to maintain eligibility in the program and in order to be considered for subsequent ICEOP grants, an awardee must meet scholastic requirements and eligibility for financial assistance as required by the institution in which she or he is enrolled as an ICEOP participant.

(Source: Amended at 14 Ill. Reg. , effective)

Section 2400.50 Fulfillment of the Conditions of the Award

- a) ~~The award recipient must pursue a position of employment in teaching or administration in an Illinois postsecondary educational institution or an Illinois higher education governing or coordinating board staff upon termination of his or her program of studies;~~
- b) ~~In the event an award recipient cannot obtain the required employment, the recipient and his or her institution may seek approval by the Consortium Board of a substitution which is equivalent to a teaching or non-teaching full-time appointment at an Illinois postsecondary educational institution or a position at one of the Illinois higher education governing or coordinating boards. An equivalent substitution would be a position which has the same qualifications and objectives of a position at an institution of higher education or a higher education coordinating or governing board.~~

As a condition for acceptance of the award, the recipient shall accept one of the following:

- 1) A teaching or nonteaching full-time appointment at an Illinois institution of higher education; or
- 2) A position at one of the higher education governing boards; or
- 3) A position as an employee of this State in an education related position.

- b) The recipient shall accept such position or positions for a period equal to the number of years that he or she was a participant in the ICEOP.

- c) Failure of the recipient to fulfill the award condition as provided for in Subsections (a) or (b) above shall require the recipient to repay 20 percent of the total amount of the award on a ten-year repayment schedule.

- d) All grants shall be subject to the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, ~~para. 2206 et seq.~~ para. 127, pars. 2206 et seq.)

(Source: Amended at 14 Ill. Reg. , effective)

Section 2400.60 Application Procedures

- a) ~~The Board shall provide information about the ICEOP to Illinois postsecondary educational institutions institutions of higher education for distribution.~~
- b) Application materials shall be distributed by participating institutions of higher education.

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- c) A student shall apply directly to the institution of higher education which he or she plans to attend, and the applications shall be forwarded with the institution's verification and endorsement to the Consortium Board.
- d) A student who received an award in a previous year shall reapply for the next year's award directly to the institution in which he or she is enrolled or intends to enroll. The renewal form shall be forwarded with the institution's verification and endorsement to the Consortium Board.
- e) Each participating institution of higher education shall request awards annually from the Consortium Board on behalf of those students recruited and admitted.
- f) Institutions shall submit their requests for awards to the Consortium Board by March 1 each year prior to the start of the academic year in which awards are funded.

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Determination Of Unemployment Contributions

- 2) Code Citation: 56 Ill. Adm. Code 2770

- 3) Section Number:
2770.150 Proposed Action:
Repealed Section
2770.155 Repealed Section
2770.160 Repealed Section
2770.165 Repealed Section
2770.170 Repealed Section

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, par. 570, 571, 573, 576.1, 576.2, 578.1, 610 and 611.

- 5) A Complete Description of the Subjects and Issues Involved:
The proposed amendment to Part 2770 repeals Subpart C: Alternative Benefit Wage Ratio. The alternative benefit wage ratio was a program passed by the Legislature in 1983 and only applied to contribution rates for 1984, 1985 and 1986. An election to use the alternative benefit wage ratio needed to be made in 1984. Therefore, the program (and its rules) no longer have any practical application.

- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objective? Not Applicable.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Business Assistance Office
of the Department of Commerce and Community Affairs: July
20, 1990.

Types of small businesses affected: No businesses are
affected since the legislation is no longer in effect.

Reporting, bookkeeping or other procedures required for
compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section
2770.100
2770.105
2770.110

Industrial Classification
Contribution Rate For Non Experience-Rated Employers
Average Contribution Rates By Standard Industrial Clas-
sification (SIC) Codes

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

2770.150
2770.155
2770.160
2770.165
2770.170

Eligibility To Elect The Alternative Benefit Wage Ratio
(Repealed)
Approval Of Election Of The Alternative Benefit Wage
Ratio (Repealed)
Adjustment Of The Benefit Wage Charges And The Determi-
nation Of The Alternative Benefit Wage Ratio (Repealed)
Revocation Of Election Of Alternative Benefit Wage Ratio
(Repealed)
Appeals (Repealed)

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO
SUBSEQUENT EMPLOYER

2770.400
2770.405
2770.410
2770.415
2770.420

Definitions
Application Of Base Period Wages
Restriction On Benefit Wage Transfers
Benefit Wage Transfer Procedural Requirements
Petition For Hearing

SUBPART F: BENEFIT WAGE CANCELLATIONS

2770.501

Effective Date Of Benefit Wage Cancellations Pursuant To
Section 1508.1 Of The Act

2770. Table A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501,
1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the
Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars.
570, 571, 573, 576.1, 576.2, 576.3, 578.1, 610 and 611).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. _____, effective _____.

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

Section 2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)

- a) An employer shall be eligible to elect the Alternative Benefit Wage Ratio established by Sections 2770.155 and 2770.160 of this Part, if all of the following conditions are satisfied:
- 1) The employer has incurred liability for the payment of contributions within each of the five calendar years 1979 through 1983.
 - 2) The employer's benefit wage ratio for the 36-month period beginning July 1, 1980, and ending June 30, 1983, equals or exceeds 5.5%.
 - 3) The employer agrees to waive the effects of any benefit wage protests applicable to the period July 1, 1980, through June 30, 1983, upon the benefit wage ratio used in determining his contribution rate for calendar years 1984, 1985, and 1986.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

notify the employers who subsequently become eligible to elect the Alternative Benefit Wage Ratio under this Section the first time they receive a revised contribution rate notice for calendar year 1984, in which their benefit wage ratio applicable to calendar year 1984 equals or exceeds 5.5%. However, an employer's failure to receive such notice under this paragraph shall not extend the requirements of election established by paragraphs (c) and (d) of this Section. Should an employer who is eligible to elect the Alternative Benefit Wage Ratio under this Section not receive such notice and election form, it shall be his obligation to request them.

e) Employers eligible to elect the Alternative Benefit Wage Ratio under this Section shall exercise their right of election on or before the later of August 31, 1984, or within 60 days after the earliest date of mailing of the first regular or first revised contribution rate notice, if any, for calendar year 1984, in which their benefit wage ratio equals or exceeds 5.5%. Failure of an employer to exercise his right of election within such time shall bar the employer from electing the Alternative Benefit Wage Ratio established by Sections 2770.155 and 2770.160 of the Part.

d) Employers desiring to elect the Alternative Benefit Wage Ratio established by Sections 2770.155 and 2770.160 of this Part, shall exercise their right of election by signing the form issued by the Director for this purpose and returning to the Director within the time specified in (c) of this Section.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 2770.155 Approval Of Election Of Alternative Benefit Wage Ratio (Repealed)

a) Upon receipt of the form described in paragraph (d) of Section 2770.150, the Director shall determine whether or not the employer satisfies the eligibility criteria given by paragraph (a) of Section 2770.150 and, if eligible under these criteria, whether the employer has also complied with the procedures set forth in paragraphs (c) and (d) of Section 2770.150.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- b) If the employer satisfies all the conditions described in paragraph (a), the Director shall approve the election and shall notify the employer in writing that the election has been approved.
- c) If the employer fails to satisfy any of the conditions given by paragraph (a), the Director shall notify the employer in writing that the election has not been approved. The notification shall state the reasons why the employer's election has not been approved.
- d) Except as provided in Section 2770.165, employers whose election of the Alternative Benefit Wage Ratio has been approved by the Director under this Section shall be bound by the consequences of their election in the manner given by Section 2770.160 for all of the calendar years 1984, 1985, and 1986.
- e) Whenever an employer's election of the Alternative Benefit Wage Ratio is approved by the Director under this Section, the employer's resulting waiver of the effect of any benefit wage protests applicable to the period July 1, 1980 through June 30, 1983 shall apply only to the effect of such protests upon the reduction of the employer's benefit wage ratio used in determining the employer's contribution rate for calendar years 1984, 1985, and 1986 which, but for this election of the Alternative Benefit Wage Ratio, would otherwise be determined under Section 1503A of the Act. Such waiver shall not adversely affect the outcome of any pending or anticipated protests filed by such employer concerning an individual's eligibility for benefits nor shall it prohibit the consideration of requests for transfer of wages under Section 1501F of the Act which are filed by an electing employer applicable for such period, though approval of such transfers shall not affect the transfer or employer's benefit wage ratio.
- f) The Director's approval of an employer's election of the Alternative Benefit Wage Ratio referred to in this Section shall be in lieu of the benefit wage ratio which would otherwise be used in determining the employer's contribution rate under Section 1503A of the Act for calendar years 1984, 1985, and 1986.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- Section 2770.160 Adjustment Of Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
- a) Employers whose election of the Alternative Benefit Wage Ratio is approved by the Director under the provisions of Section 2770.155 shall have their benefit wage charges and their benefit wage ratios for calendar years 1984, 1985, and 1986 adjusted and determined in accordance with the formulas given below.
- 1) For calendar year 1984, the employer's actual total of benefit wage charges for each of the twelve month periods July 1, 1980 through June 30, 1981, July 1, 1981 through June 30, 1982, and July 1, 1982 through June 30, 1983 shall be adjusted to an amount of benefit wage charges which, when divided by the employer's actual total wages on which he paid contributions applicable to such 36-month period, would produce a benefit wage ratio of 5.5% for each of these three twelve-month periods.
- 2) For calendar year 1985, the employer's actual total of benefit wage charges for each of the twelve month periods July 1, 1981 through June 30, 1982 and July 1, 1982 through June 30, 1983 shall be adjusted to an amount of benefit wage charges which, when divided by the employer's actual total of wages on which he paid contributions applicable to such 24-month period, would produce a benefit wage ratio of 5.5% for each of these two twelve-month periods. The sum of such adjusted benefit wage charges for these two periods and the employer's actual benefit wage charges for the twelve-month period July 1, 1983 through June 30, 1984 shall be divided by the employer's actual total wages on which he paid contributions applicable to the 36-month period July 1, 1981 through June 30, 1984 to determine the employer's Alternative Benefit Wage Ratio applicable to the calendar year 1985.
- 3) For calendar year 1986, the employer's actual total of benefit wage charges for the twelve-month period July 1, 1982 through June 30, 1983 shall be

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENT(S)

adjusted to an amount of benefit wage charges which, when divided by the employer's actual total of wages on which he paid contributions applicable to twelve month period would produce a benefit wage ratio of 5.5% for such 12 month period. The sum of such adjusted benefit wage charges for such period and the employer's actual benefit wage charges for each of the two twelve month periods July 1, 1983 through June 30, 1984 and July 1, 1984 through June 30, 1985 shall be divided by the employer's actual total wages on which he paid contributions applicable to the 36 month period July 1, 1982 through June 30, 1985 to determine the employer's Alternative Benefit Wage Ratio applicable to the calendar year 1986.

b) The determination of an employer's Alternative Benefit Wage Ratio and the adjustment of an employer's benefit wage charges provided by paragraph (a) shall not affect the calculation of the State experience factor under Section 1504 of the Act. For the purpose of calculating the State experience factor under Section 1504 of the Act, the benefit wage charges of each employer shall be the actual benefit wage charges of each employer as calculated under Section 1503A of the Act without regard to the formulas given in this Section.

c) For the purposes of this Section, "actual benefit wage charges" are defined as those wages paid by an employer which become the benefit wages of such employer under Sections 1501 and 1502 of the Act without regard to the formulas given in this Section.

d) For the purposes of this Section, the employer's "actual total of wages on which he paid contributions" means the same as the amount of wages for insured work on which contributions were paid by the employer to the Director on or before the first of July immediately following June 30th of the applicable year. Such totals shall be calculated in accordance with Section 1502A of the Act without regard to any of the adjustments given in this Section.

e) For the purposes of this Section, an employer who, on or after January 1, 1985, acquires the experience rating record of a predecessor under Section 1507 of the Act,

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENT(S)

acquires the adjusted experience of the predecessor if the predecessor's election of the Alternative Benefit Wage Ratio has been approved by the Director under Section 2770.155.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)
Section 2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)

a) Except as provided in paragraphs (b) and (c) of this Section, an employer's election of the Alternative Benefit Wage Ratio, approved by the Director under Section 2770.155 of this Part, shall be irrevocable for all of calendar years 1984, 1985, and 1986.

b) An employer's election of the Alternative Benefit Wage Ratio applicable to all of calendar years 1984, 1985, and 1986, approved by the Director under Section 2770.155 of this Part, shall be revoked by the Director for all of such years whenever, as a result of the operation of any of the provisions of the Act, such employer fails to satisfy the eligibility conditions established by Section 2770.150(a)(1) of this Part.

c) An employer's election of the Alternative Benefit Wage Ratio, approved by the Director under Section 2770.155 of this Part, shall be revoked by the Director upon written request of the employer, provided that such request is filed with the Director on or before August 31, 1984, or within 60 days after the date on which the election was approved, whichever is later.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)
Section 2770.170 Appeals (Repealed)

Employers adversely affected by decisions of the Director made under Sections 2770.155 or 2770.165 shall have the right to appeal such decisions. Such appeals shall be taken pursuant to and governed by Section 1509 of the Act.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code citation: 41 Ill. Adm. Code. 170

3) Section numbers: Proposed Action:

170.310

Amendment

4) Statutory Authority: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. ch. 127 1/2, par. 154)

5) A Complete Description of the Subjects and Issues Involved: This proposal allows the use of cash transactions at unattended service stations and increases the quantity of fuel available at these locations.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part?

10) Statement of Statewide Policy Objectives: This rule does not impact local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 19, 1990.
- B) Types of small businesses affected: Service stations which operate without attendants.
- C) Reporting, bookkeeping or other procedures required for compliance: Same as under prior rules.
- D) Types of Professional skills necessary for compliance: Same as under current rules; no special professional skills needed.

The full text of Proposed Rule(s) begins on the next page:

TITLE 41: FIRE PROTECTION
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 170
STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks
170.41	Location
170.50	Material and Construction of Tanks
170.60	Venting of Tanks
170.65	Underground Tank Installations
170.70	Fill Pipes
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee
170.72	Late Registration Fee
170.73	Access to the Underground Storage Tank Fund (Emergency Expired)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks
170.80	Unloading Operations
170.90	Pumps
170.91	Labeling of Containers and Pumps
170.100	Piping
170.105	Approval of Plans
170.106	Installer, Repairer or Remover of Underground Storage Tanks
170.107	Tester of Underground Storage Tanks and Cathodic Protection
170.108	Pressure Testing
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building - Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms
170.145	Fire Extinguishers
170.150	Self-Service - No Self-Service Without Permit; Procedures and Regulations
170.160	Care and Attendance
170.170	Fire Extinguishers (Repealed)
170.180	Sale of Fireworks
170.190	Approval of Plans (Repealed)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

170.200	Defective Equipment
170.210	Deliveries from Portable Tanks Restricted
170.310	Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS -- TECHNICAL REQUIREMENTS

170.400	Definitions
170.410	Incorporations by Reference
170.420	Design, Construction, Installation and Notification of New UST Systems
170.430	Upgrading of Existing UST Systems
170.440	Notification Requirements
170.450	Spill and Overfill Control
170.460	Operation and Maintenance of Corrosion Protection
170.470	Compatibility
170.480	Repairs Allowed
170.490	Reporting and Recordkeeping
170.500	General Release Detection Requirements for All UST Systems
170.510	Release Detection Requirements for Petroleum UST Systems
170.520	Release Detection Requirements for Hazardous Substance UST Systems
170.530	Methods of Release Detection for Tanks
170.540	Methods of Release Detection for Piping
170.550	Release Detection Recordkeeping
170.560	Reporting of Suspected Releases
170.570	Investigation Due to Off-Site Impacts
170.580	Release Investigation and Confirmation Steps
170.590	Reporting and Cleanup of Spills and Overfills
170.600	Initial Response for UST Systems Containing Petroleum or Hazardous Substances
170.610	Initial Abatement Measures and Site Check
170.620	Temporary Closure of Out-of-Service UST Systems
170.630	Change-in-Service of UST Systems
170.640	Assessing the Site at Removal or Change-in-Service of UST Systems
170.650	Applicability to Previously Removed UST Systems
170.660	Removal or Change-in-Service Records
170.670	Abandonment of Underground Storage Tanks

SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

170.700	Incorporation by Reference
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TABLE A	SCHEDULE FOR PHASE-IN OF RELEASE DETECTION
TABLE B	MANUAL TANK GAUGING: WEEKLY AND MONTHLY STANDARDS

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at ___ Ill. Reg. ___, effective ____.

Section 170.310 Unattended Self-Service Other Than Fleet Operations

Service stations which allow or permit the fueling of motor vehicles with Class I, II, or III liquids, by persons other than an owner or employee, without the presence of an attendant are allowed only at locations which have a valid "Unattended Self-Service Permit" issued by the Office. Unattended "Self Service Permits" shall be issued for one year initially, and renewals shall be issued for two year intervals thereafter. "Unattended Self-Service Permits" shall not be issued to locations in counties with more than 1,000,000 in population. If a service station is to be operated as an unattended station during any portion of a day it will be deemed as requiring a permit for unattended operation and must meet such standards. Plans of the premises shall be submitted as required by Section 170.105.

a) Equipment required for an unattended self-service permit:

1) Dispenser control device (actuators and monitors) for use by customers to activate dispensing equipment.

A) Devices may use currency, coins, keys or cards to activate dispenser and pumps. ~~Coin-or-currency-activated-devices shall-not-be-permitted-~~

B) Card devices shall use magnetically coded, optically read or inductive coil cards to be inserted in a device to activate the pump.

C) All dispenser control devices must meet the standards of UL 1238 (1978) and shall be installed and maintained in accordance with the manufacturer's instructions. All wiring shall comply with NFPA 70 (1984), Chapter 5.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

D) Motors of pumps to dispensing devices shall not have electrical current supplied to them unless and until the dispensing current is activated by ~~the insertion of the card-or-key-device~~. The electric current to the motors of the pumps shall automatically terminate and not more than three (3) minutes after the flow of product has ceased. Electrical current to the pump motors shall be off at all other times.

2) Dispensing devices, remote pumps and hose nozzle valves must comply with this Part, and the following rules:

A) Hose nozzles must meet the standards of UL 842 (1980) and:

i) Nozzles must be equipped with devices (e.g. wire or a spout anchor spring) designed to retain the nozzle spout in the vehicle fill pipe while refueling. Such devices must be in compliance with (UL) Standard 842 (1980), or be approved by Factory Mutual, as part of the nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations.

ii) An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the nozzle assembly, and must meet UL 842 (1980).

iii) Hose nozzle valves shall be of the type which will close automatically, independent of the latch-open device, upon loss of pressure in the dispensing system and in which the latch-open device may only be engaged when the dispensing system is under pressure.

iv) The nozzle must be designed and maintained to cease the flow of product if the nozzle falls from the fill pipe of the motor vehicle being fueled to the ground, as described in UL 842 (1980) Section 15.

B) Remote pumps serving dispensing devices shall meet the standards of UL 79 (1981) and shall be equipped with a leak detection device in accordance with paragraph 4-3.3 of NFPA 30A (1984) and shall be installed and maintained in accordance with the manufacturer's instructions.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- C) Dispensing devices shall meet the standards of UL 87 (1982) and the following rules:
- i) Devices shall be equipped with a secondary control means in accordance with Paragraph 4-2.3 of NFPA 30A (1984).
 - ii) Devices served by remote pumps shall be equipped with an emergency shut-off valve meeting the standards of UL 842 (1980) and which shall comply with paragraph 4-3.6 of NFPA 30A (1984).
 - iii) Devices shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.
 - iv) Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.
 - v) Devices shall be wired in accordance with Chapter 5 of NFPA 70 (1984) and shall be installed and maintained in accordance with the manufacturer's instructions.
 - vi) An emergency breakaway device shall be installed on each hose at all dispensing devices available for self service of Class I, II and III liquids. The breakaway device shall be designed to retain liquid on both sides of the breakway point, and shall be installed and maintained in accordance with the manufacturer's recommendations.
- 3) Emergency Electrical Controls shall be provided and shall comply with the following rules:
- A) A Master Electrical shut-off switch or circuit breaker shall be provided at a location not less than 20 feet from the nearest nor more than 100 feet from the farthest dispensing device for unattended self-service and shall:
 - i) Be visible from all unattended self-service dispensing device locations on the premises. If installation of a single switch or circuit breaker does not achieve compliance with this visibility requirement, duplicate switches or circuit breakers shall be required by the Office to achieve compliance.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- ii) Terminate electric power to all dispensers, pumps and dispenser control devices on the premises, including neutral conductors and low voltage control wiring.
 - iii) Be of such a type or installed in such a way, that it may only be reset manually with a key, which shall be kept in the custody of the unattended self-service station owner or an employee of the owner or, alternatively, the resetting device shall be kept in a secured area accessible only by key or other device which is kept solely in the custody of the owner or employee of the owner. (Club members, card holders and other persons utilizing the station may not have access to the mechanism necessary to the resetting of the master electrical control).
- B) In addition to the Master Electrical Shut-off required in (A) above, additional emergency electrical controls shall be provided at each group of dispensers or pumps served by a single dispenser control device. Such additional controls may, at the option of the owner be an integral part of the dispenser control device assembly. The device shall, when activated, terminate all electrical power to all dispensing devices or pumps which are served by that dispenser control device. Stations with only one island may elect to utilize only a master electrical control located at the dispenser control device meeting the requirements of (A), above.
- C) The emergency electrical controls required by this section shall, at all times, be identified by a sign constructed of all weather material which shall state, in letters not less than 1" in height, "EMERGENCY SHUT OFF SWITCH". Lettering shall contrast with the background material of the sign. The sign shall be mounted in place with the bottom of the sign not less than five (5) feet above the ground.
- D) Resetting the Master Electrical Shut-off required by this section shall be accomplished only after the condition which caused it to be activated has been corrected.
- E) Power for illumination of dispensing areas required by this Section shall not be affected by activation of any of the Emergency Electrical Controls.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- F) Activation of a Master Electrical Shut-off shall transmit an alarm as required in (4)(A)(iii) of (4)(B)(iv), below.
- G) A sign shall be placed at or near the Master Electrical shut-off stating that activation of the master electrical shut-off "transmits a fire alarm to the fire department".
- 4) Fire detection, control and suppression equipment must meet either A or B of the following (note: local governments ~~eties~~ and ~~villages~~ may require option A or option ~~B~~ ~~or a fixed-fire suppression-system~~):
- A) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression system(s) meeting the standards of UL (1985), UL 300 A (1982) and NFPA 17 (1985) and which shall:
- i) automatically activate the Master Electrical shut-off.
 - ii) sound a local alarm notification device audible throughout the dispensing area and meets the standards of NFPA 72G (1985).
 - iii) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one of the following: NFPA 71 (1985); NFPA 72B (1979); NFPA 72C (1985); or, NFPA 72D (1979).
 - iv) If a fire suppression system meeting these requirements is installed, no fire extinguishers are required.
 - v) in the event of a system discharge, not be returned to service until the suppression system is recharged and fully operational in the area protected by the system.
 - vi) Suppression system design shall include extinguishing agent discharge nozzles mounted above dispensers, and at or near ground level to discharge agent underneath vehicles being fueled. Suppression systems that are not listed by UL for ground level

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- discharge shall have ground level discharge nozzles installed by January 1, 1987; overhead nozzles shall be installed prior to issuance of a permit.
- B) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall have a fire detection system located under a weather enclosure (canopy) and hand held portable fire extinguishers which shall:
- i) Detect a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors, and the installation must meet the requirements of NFPA 72E (1982); and
 - ii) automatically activate the Master Electrical shut-off.
 - iii) sound a local alarm notification device audible throughout the dispensing area and meets the standards of NFPA 72G (1985).
 - iv) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one of the following: NFPA 71 (1985); NFPA 72B (1979); NFPA 72C (1985); or, NFPA 72D (1979).
 - v) If an automatic fire suppression system is not installed, fire extinguishers meeting the requirements of Section 170.145 shall be installed and maintained at each island and at the master electrical shut-off. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass, or other act(s) which could injure users attempting to access the extinguishers; doors, panels and local alarm systems may be provided at the owner's option.
- 5) At all times instructions shall be posted in all weather materials by each actuator. These instructions shall be mounted not less than four feet nor more than six feet six inches from the bottom of the sign to the ground, and give the following information in letters not less than 1" in height:
- A) No smoking

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENTS

- B) Turn off engine
- C) Containers for gasoline must be red.
- D) Containers for kerosene must be blue. It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene. All containers must be metal or stamped with the marking "Conforms to or meets ANSI/ASTM D3435-83", or "UL" or "FM".
- E) In case of fire or spill use emergency shut-off (or stop) button located at (owner must insert the locations of the emergency shut-offs); Master Electrical Shut-off transmits fire alarm to fire department.
- b) Inventory records must be maintained and available for inspection by personnel of the Office. Applications for unattended self-service shall contain the name(s), address(s) and telephone number(s) of the person(s) the Office can contact for the Inventory Emergency reconciliations.
- 1) Emergency reconciliations shall be available on two hours notice by telephone or in person.
- 2) Records must be maintained showing the date, time of purchase (or delivery), amount of product, type of product, and name (or account number which can identify a name) for other than coin and currency sales for each purchase or delivery of product. Records must be maintained for one year, and be available in the same manner as inventory records. These records may be maintained electromagnetically, provided that the owner or operator can provide a printout when requested.
- c) Dispensing devices or actuators must limit the delivery of product in such a manner as to require the reactivation of the latch open (hold-open) device to the following:
- 1) Motor vehicle fuels (Class I, II and III)---maximum 20 gallons of fuel
- A. Class I liquids (gasoline, gasahol, ethanol, motor fuel blends) - maximum 50 gallons.
- B. Class II and III liquids (diesel fuel) - maximum 250 gallons.
- 2) Kerosene (grade K-1 only) - 6 gallons.

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENTS

- 3) Other Class I, II and III liquids - 6 gallons.
- d) When kerosene is to be dispensed at unattended service stations, only grade K-1 kerosene shall be dispensed. All dispensing shall be from underground tanks. Kerosene dispensers shall not be located on the same island with other Class I, II or III liquids. Labeling of dispensers shall comply with the Space Heating Safety Act (Ill. Rev. Stat. 1985, Ch. 127 1/2, par. 701 et. seq.).
- e) The Office of the State Fire Marshal shall, for failure to comply with these rules, for violation thereof, or for violation of any applicable federal, state or local laws, statutes, ordinances, rules or regulations, refuse to issue, refuse to renew or suspend or revoke a self-service station permit. The Office of the State Fire Marshal shall revoke such permit for flagrant, repeated and/or serious violations of these rules. The Office of the State Fire Marshal shall serve notice of such refusal, suspension or revocation on the applicant for or holder of such permit by personal service or by certified or registered mail. The applicant for or holder of such permit, may within 10 days after notice of such refusal, suspension or revocation is served, file in the Office of the State Fire Marshal written request for a hearing. Such hearings shall be governed by The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, Ch. 127, Pars. 1001 et seq.). Any order or decision made by the Office of the State Fire Marshal based upon such hearing shall be an "administrative decision" within the meaning of the Administrative Review Law. (Ill. Rev. Stat. 1985, Ch. 110, Pars. 3-101 et seq.)

(Source: Amended at ___ Ill. Reg. ___, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Numbers: Proposed Actions:
1413.48 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9
- 5) A Complete description of the Subjects and Issues Involved: This rulemaking will amend the current Uncoupled Entries rule to provide specific criteria in which entries can be coupled and uncoupled with regards to exotic races.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 23, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	Registration with Jockey Club
1413.10	Registration Rules
1413.20	Eligibility
1413.30	How Entries are Made
1413.40	Number of Entries
1413.42	48 Hour Entries - Passed 6/11/73
1413.44	Also Eligibles Under 48 Hour Rule
1413.46	Uncoupled Entries
1413.48	Racing Secretary Received Entries
1413.50	Supervision of Entries
1413.60	When Entries Close
1413.70	Limitation on Purse Reductions
1413.75	Closing in Absence of Conditions
1413.80	Entry by Telegraph
1413.90	List of Entries
1413.100	Couples As Entry
1413.114	Further Definition of Coupling
1413.118	Riders Designated
1413.120	Carding Purse and Handicap Races
1413.130	Race Fails to Fill
1413.134	Substitute and Extra Races
1413.138	Right to Declare Out
1413.140	Number of Entries
1413.150	Fee to Enter
1413.160	Refunds
1413.170	Error in Entry
1413.180	Irrevocable Declaration
1413.190	Notice of Declaration
1413.200	Entry of Unfit Horse
1413.210	Refusal for Inconsistency
1413.220	Horse Ineligible
1413.230	Who May Enter
1413.240	Medical Reasons for Ineligibility
1413.250	Sweepstakes Entries
1413.260	Receipt for Nomination
1413.265	Previous Engagements
1413.270	Transfer of Engagements
1413.280	Transfer of Sweepstakes Engagements
1413.290	Jockey Club Certificates
1413.300	Transfer of Jockey Club Certificate
1413.305	Number of Races in a Day
1413.310	

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Racing Act of 1975 (Ill. Rev. Stat. 1989, ch.8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 14 Ill. Reg. _____, effective _____.

Section 1413.48 Uncoupled Entries

In allowance, handicap and stakes races, any entry of separate ownership may be uncoupled with permission of the stewards. Such permission shall not be granted with respect to guineas and perfectas unless fields of six betting interest (five if there is a late scratch) are created. In no event shall such permission be granted in any race on which trifecta wagering is conducted, unless said race is a stakes race and at least 8 separate betting interests start. Post time delay due to scratches is limited to ten minutes and notification of this limitation must be published in the official program. *provided that such permission shall not be granted when the odds of the race are more than eight separate betting interests in no event shall such permission be granted in any race on which guineas, perfectas or trifecta wagering is conducted.*

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 405
- 3) Section Numbers: 405.250
Proposed Actions:
New Section
- 4) Statutory Authority: 11l. Rev. Stat. 1988, ch. 8 par. 9
- 5) A Complete description of the Subjects and Issues Involved: This rulemaking establishes the requirement for immediate notification to the state stewards in the event of a failure of audio or video equipment.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes, as follows:

405.170	14 Ill. Reg. 8957	June 6, 1990
405.180	14 Ill. Reg. 8542	June 1, 1990
405.190	14 Ill. Reg. 8086	May 25, 1990

- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 23, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 405

PARI-MUTUELS

Section	State Director of Mutuels
405.10	Duties of the State Director of Mutuels
405.20	Mutuel Department Operations
405.30	Mutuel Employees
405.40	Totalizator (Repealed)
405.50	No Wagers After Start
405.55	Odds Board Control (Repealed)
405.60	Odds Board Update (Repealed)
405.70	Records of All Calculations
405.80	Number of Pari-Mutuel Races
405.90	Ticket Windows
405.100	Sale of Pari-Mutuel Tickets
405.110	Minimum Ticket Price
405.120	Minimum Pay-Off-Minus Pools-Surcharges
405.130	Payments
405.140	Report Scratches
405.150	Number of Pools
405.160	Multiple of Wagering Pools (Repealed)
405.170	Failure of Starting Gate
405.180	Horses Scratched
405.190	"Official" Sign Final
405.200	Minors Barred
405.210	Lost Tickets
405.220	Mutilated or Altered Tickets
405.230	Information Window
405.240	System Failure
405.250	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, effective September 8, 1980; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days, amended at 11 Ill. Reg. 12375, effective July 18, 1987; amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. 11310, effective July 3, 1990; amended at 14 Ill. Reg. _____, effective _____.

Section 405.250

System Failure

Any failure of video or audio equipment at any facility must be reported immediately to the state stewards at the host track and the general manager at all affected facilities. The general manager shall file a written report with the State Director of Pari-Mutuels no later than 7 days thereafter detailing the reason for the failure.

(Source: Added at 14 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Totalizator Operations
- 2) Code Citation: 11 Ill. Adm. Code 433
- 3) Section Numbers: . Proposed Actions:
433.35 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9
- 5) A Complete description of the Subjects and Issues Involved: This rulemaking establishes specific procedures to be followed in the event of a failure in the totalizator system. It sets the requirement for a written report to the State Director of Mutuels and the notification of all affected parties.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes, as follows:
433.295 14 Ill. Reg. 10700 July 6, 1990
433.298 14 Ill. Reg. 10700 July 6, 1990
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 23, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER B: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 433

TOTALIZATOR OPERATIONS

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	
433.10	Definitions
433.15	Purpose
433.20	Pari-Mutuel Audit Unit
433.25	Access to Totalizator and Pari-Mutuel Facility
433.30	Work Area for Pari-Mutuel Auditors
433.35	Systems Failure
433.45	Waivers for Scientific Advancements
433.50	Filing
433.55	Standards

SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section	
433.60	Cashed Tickets
433.70	Summary of Pari-Mutuel Operations

SUBPART C: MUTUEL TICKETS

Section	
433.100	Marketing of Tickets
433.110	Status of Outs Accounts
433.120	Cancellation of Tickets
433.140	Computer Print-Outs
433.145	Additional Method of Calculation

SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATIONS REQUIREMENTS AND PROCEDURES

Section	
433.200	No Reduction in Capacity
433.210	Totalizators
433.220	Final Confirmation
433.230	Status Report
433.240	Locking Devices
433.250	Control of Locking Devices
433.260	Accounting for Individual Tickets
433.270	Tickets
433.280	Security for Tote Equipment
433.290	Access to Tote Room

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

Section	
433.300	General System Requirements
433.310	Redundant Capabilities
433.320	Redundant Hardware
433.330	Stop Betting Command
433.340	Record of Stop Betting Command
433.350	Odds Board Control
433.360	Odds Update
433.370	Retention of Racing Program Data
433.380	Control Access to Tote Computer Equipment
433.390	Software
433.400	Provide Summary
433.410	Unique Ticket Number
433.420	Uncashed Tickets
433.430	Computer Produced Reports
433.440	Magnetic Log Files
433.450	Security Sub-System
433.460	Power Fluctuations
433.470	Two Independent Sets of Pool Totals
433.480	Loss of Communications Report
433.490	Cancellations

SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section	
433.500	General Procedural Requirements
433.510	Pre-Program Tests
433.520	Totalizator Programs
433.530	Duplicate Copy of Totalizator Programs
433.540	Notice of Software Modifications
433.550	Testing of Software Modifications
433.560	Controlling System Utilities
433.570	Access to Tote Room
433.580	Control Log
433.600	Back-Up Procedures
433.610	Shut-Down Procedures

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b), 37-15).

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 14 Ill. Reg. _____, effective _____.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 433.35 System Failure

IF, FOR ANY REASON, DURING THE COURSE OF A RACING PROGRAM, THE
 TOTALIZER OR SYSTEM IS UNABLE TO RECORD WAGERS RECEIVED FROM THE
 PUBLIC AND/OR GUARANTEE THE INTEGRITY OF THE PARIMUTUEL POOL, THE
 THE TOTALIZER OR SYSTEM LICENSEE SHALL ADVISE THE MUTUEL MANGER
 WHO SHALL WHEN IMMEDIATELY NOTIFY THE PARIMUTUEL AUDITOR AND
 THE SEWARS. THE TOTALIZER OR SYSTEM LICENSEE SHALL KEEP THE
 PARIMUTUEL AUDITOR ADVISED OF ITS EFFORTS TO CORRECT THE
 PROBLEM AND IF SAID LICENSEE IS UNABLE TO CORRECT THE PROBLEM,
 IT SHALL SO ADVISE THE PMU. FURTHER CONSULTATION WITH THE
 GENERAL MANGER, THE SEWARS SHALL BE MADE OF THE AFFECTED
 WAGERING FOR THAT PROGRAM AND THE REFUND OF THE AFFECTED
 WAGERS. THE SEWARS, AFTER CONSULTATION WITH THE GENERAL
 MANGER OR HIS DESIGNEE, SHALL ALSO HAVE THE AUTHORITY TO
 RETURN SOME, OR ALL, OF THE REMAINING RACES TO BE CONTESTED AS
 BETS OR EXHIBITIONS, HAVING TAKEN INTO CONSIDERATION FACTORS
 SUCH AS, BUT NOT LIMITED TO, THE PURSES AND THE AMOUNT OF
 WAGERING, AND THE TIME REQUIRED TO MAKE REPAIRS TO THE
 TOTALIZER OR SYSTEM.

a) Any failure of tote equipment at any facility must be reported immediately to the state stewards, pari-mutuel auditor and the mutual manager for the host track involved and the general manager at all affected facilities. The totalizer system licensee shall keep the state stewards and the pari-mutuel auditor advised of the efforts to correct such failure. If it is determined that the failure cannot be corrected, the stewards shall order a cancellation of wagering for that program and the refund of affected wagers. The stewards shall have the authority to permit some, or all of the remaining races to be contested as non-wagering exhibitions, having taken into consideration factors such as, but not limited to, the purse, the amount of wagering, and the time required to repair the totalizer system.

b) The general manager at all affected facilities shall file a written report with the State Director of Pari-Mutuels no later than 7 days thereafter detailing the reasons for the failure.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Illinois Uniform Conviction Information Act
- 2) Code Citation: 20 Ill. Adm. Code 1215
- 3) Section Numbers:

1215.10	Proposed Action:
1215.20	New Section
1215.30	New Section
1215.40	New Section
1215.50	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Uniform Conviction Information Act (Ill. Rev. Stat. 1989, ch. 38, pars. 1601 et seq.) and authorized by Section 55a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55a).
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Uniform Conviction Information Act greatly expands the public availability of criminal conviction information maintained by the Illinois State Police. These rules describe the procedures for obtaining this information.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable.
- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Within 14 days of the date of publication of this Notice, any interested person may request the opportunity to submit comments, data, views, or argument regarding the proposed rules. The request and submissions must be in writing and directed to:

Mr. James W. Redlich
 Legal Advisor
 Illinois State Police
 P.O. Box 19461
 103 Armory Building
 Springfield, Illinois 62794-9461
 217/782-7658

ILLINOIS REGISTER
DEPARTMENT OF STATE POLICE
NOTICE OF PROPOSED RULES

The Department will consider any written submissions or comments if the request to comment is mailed within 14 days of the date of publication of this Notice and is received in writing by the Department within 30 days of the date of publication of this Notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Rules begins on the next page.

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1215
ILLINOIS UNIFORM CONVICTION INFORMATION ACT

SUBPART A: PROMULGATION

Section	Purpose
1215.10	Definitions
1215.20	

SUBPART B: OPERATIONS

Section	Request Procedures
1215.30	Response Procedures
1215.40	
1215.50	Fees

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act (Ill. Rev. Stat. 1989, ch. 38, pars. 1601 et seq.) and authorized by Section 55a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55a).

SOURCE: Adopted at ___ Ill. Reg. ___, effective _____.

SUBPART A: PROMULGATION

Section 1215.10 Purpose

The purpose of this Part is to provide requirements and procedures for uniform public access to conviction records.

Section 1215.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in the Illinois Uniform Conviction Information Act (Ill. Rev. Stat. 1989, ch. 38, par. 1603).

SUBPART B: OPERATIONS

Section 1215.30 Request Procedures

Requests for conviction information will be made by completing a Conviction Information Request form provided by the Illinois State Police. These forms will be made available through the Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60431. In order to be processed, Conviction Information Request forms will at a minimum include a complete and accurate mailing

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

address for the requester, an indication of whether the request is for licensing or employment purposes, and the record subject's name, race, sex, and date of birth. All requests must also be accompanied by the correct fee as established in Section 1215.50 and in the form of a cashier's check or money order.

Section 1215.40**Response Procedures**

Prior to disseminating conviction information, the Department will review its inprocess files to ensure that the information to be disseminated is complete. The Department will mail responses to requests to the requester at the address indicated on the Conviction Information Request Form.

Section 1215.50**Fees**

The fee for processing requests for conviction information will be set by the Director. The fee will not exceed the general costs for processing such requests.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Camping on Department of Conservation Properties
- 2) CODE CITATION: 17 Ill. Adm. Code 130
- 3) SECTION NUMBERS:
130.60 Amendments
130.70 Amendments
130.80 Amendments
130.90 Amendments
130.100 Amendments
130.130 Amendments
ADOPTED ACTION:
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of "AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State parks", (Ill. Rev. Stat. 1989, ch. 105, pars. 465, 468(a) and 468.5), and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63a23 and 63a28).
- 5) EFFECTIVE DATE OF AMENDMENTS: July 20, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 16, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 23, 1990, 14 Ill. Reg. 4340
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

Throughout the Part, all references to "Ill. Rev. Stat." were updated to the "1989" version.

In the Authority Note, "and 468.5" was added following "ch. 105, pars. 465, 468(1)".

In Section 130.60(c), at the end of the paragraph, the following was added "(Application requirements: name of organization, address, number of campers, person in charge, phone number and age of campers)".

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

In Section 130.70(a)(1)(F), "daily use" was changed to "day use."

In Section 130.70(b)(4), the statutory citation beginning in the second line was changed to read: "(Section 5(b) of 'An ACT creating the Illinois Department of Veterans' Affairs')".

In Section 130.100(c), the end of the paragraph was changed to read: "... rules of abandoned property. 'An Act relating to custody and disposition of certain property possessed by law enforcement agencies' (Ill. Rev. Stat. 1989, ch. 141, par. 141 et seq.) and The Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 4-201 et seq.)."

In the Section heading for 130.130, "others" was changed to lower case to match the Table of Contents heading.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to make changes in the Sections referring to fees to consistently differentiate between camping fees and utility fees.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 130

CAMPING ON DEPARTMENT OF CONSERVATION PROPERTIES

Section	Location
130.10	Purpose of Campground
130.20	Classification of Camps by Equipment Used - Definitions
130.30	Definition of a Camp
130.40	Registrations
130.50	Permits, Extensions and Time Limits
130.60	Fees and Charges
130.70	Refunds
130.80	Check-in and Check-out Times
130.90	Unoccupied Camps
130.100	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.110	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.120	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.130	Campground Host Program
130.135	Use of Campground
130.140	Eviction
130.150	

AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of "AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State parks", (Ill. Rev. Stat. 1989, ch. 105, pars. 465, 468(1) and 468.5), and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63a23 and 63a28).

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990.

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 130.60 Permits, Extensions and Time Limits

- a) A camp permit may be issued for a period not to exceed 14 consecutive nights. Persons are eligible to camp at a specific Department of Conservation facility for a maximum of 14 nights in a 30 day period. The 30 day period starts from the first day the person actually obtains a bona fide camping permit and the camping equipment involved is subject to these limitations also.
- b) Exceptions to the above time limit may be made in the following instance: In bona fide emergency cases involving serious illness or accident which makes compliance with the rules impossible and only for the duration of the emergency - the burden of proof is on the permittee and the Site Superintendent should be satisfied by investigation or inquiry that facts in the case warrant consideration before granting an extension.
- c) During periods when a vacancy occurs in the reservation schedule at the Pere Marquette group camps, day use shall be allowed during a twelve-hour period beginning at 9:00 a.m. and ending at 9:00 p.m. Reservations will be made by application to the site superintendent. (Application requirements: name of organization, address, number of campers, person in charge, phone number and age of campers).

(Source: Amended at 14 Ill. Reg. 12402, effective July 20, 1990)

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Conservation and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available as follows:

- 1) Spring - Summer Camping (May 15 through September 15)

- A) Class A Sites: Camping fee of \$7.00 per night per site at all sites having availability to showers, electricity and vehicular access, plus

an additional \$2.00 utility fee.

- B) Class B Sites: Camping fee of \$6.00 per night per site at all sites having availability to electricity or showers and vehicular access, plus an additional \$2.00 utility fee.
- C) Class C Sites: Camping fee of \$4.00 per night per site at all sites having vehicular access.
- D) Class D Sites: Camping fee of \$3.00 per night per site, tent camping or primitive sites (walk-in or backpack) with no vehicular access.
- E) Youth Group Camping \$.75 per person, minimum daily camping fee of \$7.50.

- F) Each student or member of an organized youth group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$2.00 daily per night or \$3.00 daily per night for each member of an organized adult group. Fees for day use of the group camps at Pere Marquette shall be \$25.00 per day for youth groups and \$37.50 per day for adult groups.

- G) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. These designated areas will provide, at additional fees of \$8.00 and \$12.00 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either four (4) sleeping cots per large tent or eight (8) sleeping cots per extra large tent. The total overnight fee for a rent-a-camp will be based on the basic fees given of \$8.00 or \$12.00 per night in addition to the fee for the class of the camping site A through D on which the rent-a-camps are located, as follows:

- i) Rent-A-Camp at Class A Sites:
\$17.00 or \$21.00 per night per site at all sites having availability to showers,

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

~~electricity and vehicular access-\$15.00 or \$19.00 plus \$2.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.~~

1) Except for temporary employees of the Department of Conservation who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Conservation or any other state agency, regardless of their official status, will be required to pay the established camping fee.

ii) ~~Rent-A-Camp at Class B Sites: \$16.00 or \$20.00 per night per site at all sites having availability of showers or electricity and vehicular access-\$14.00 or \$18.00 plus \$2.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.~~

2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

iii) ~~Rent-A-Camp at Class C Sites: \$12.00 or \$16.00 per night per site at all sites having vehicular access.~~

3) A person 62 through 64 years of age, 65 years of age or older, or a person who has a Class 2 disability as defined in Section 4A of The Illinois Identification Card Act (Ill. Rev. Stat. 19859, ch. 124, par. 24A) or a disabled veteran, as defined in Section 5 of "AN ACT creating the Illinois Department of Veterans' Affairs" (Ill. Rev. Stat. 19859, ch. 126 1/2, par. 70), is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse, or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

iv) ~~Rent-A-Camp at Class D Sites: \$11.00 or \$15.00 per night per site at all sites having tent camping or primitive sites (walk-in or backpack) with no vehicular access.~~

H) A \$3.00 per campsite non-refundable fee must be remitted at those facilities offering reservation services.

2) Fall - Winter Camping (September 16 through May 14)

A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.

B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.

C) The fee for primitive campsites shall be \$3.00 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

A) Illinois residents 62 to and including 64 years of age will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by birth certificate, driver's license, Golden Age Passport or other valid document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency.

B) Illinois residents 65 years of age or older may camp without being charged a camping fee on Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by birth certificate, driver's license, Golden Age Passport (16 U.S.C. 4601-6a, 1984) or other valid document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency.

- C) Illinois residents who have a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act or a disabled veteran, as defined in Section 5 of "AN ACT creating the Illinois Department of Veterans' Affairs" may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit one of the following documents as verification:

- i) Applicant must have a current Illinois Disabled Person Identification Card issued by the Secretary of State, or
- ii) Applicant must possess a free use permit issued by the Illinois Department of Veterans' Affairs (Ill. Rev. Stat. 19859, ch. 126 1/2, par. 70)

- 4) A person who is a veteran, an Illinois resident, and a former prisoner of war (Ill. Rev. Stat. 1995, ch. 126 1/2, par. 70(b)) (Section 5(b) of "An ACT creating the Illinois Department of Veterans' Affairs") is exempt from all camping fees, but if at a site with utilities, must pay the entire utility fee for each day of camping. This shall allow the spouse, or minor children (under 18) or minor grandchildren, to be included in the camping party. An individual wishing to qualify for free camping under the provisions stated above must be able to submit an identification card issued by the Veterans' Administration or other government agency which indicates the cardholder's former prisoner of war status.

ILLINOIS REGISTER

12410
90

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 12402, effective July 20, 1990)

Section 130.80 Refunds

- a) A refund of camping and utility fees for unused time shall be made upon the request of the registered camper. No personal check refunds shall be made sooner than 10 days after the check has been deposited to insure clearance. Refunds will be made in the field out of current cash receipts. Refunds for Camper's Permit will be prepared and appropriate copies submitted to accounting.
- b) Refund forms must be completed whenever a camper requests a refund for the unused portion of this camping permit.
- c) The person requesting the refund must show identification at the time of the refund.
- d) The camper's copy of the permit must be surrendered at the time of the refund.
- e) Rent-A-Camp reservation deposits will not be refunded by the Department.
- f) No refunds will be made for reservation fees unless the campground is closed by the Department.

(Source: Amended at 14 Ill. Reg. 12402, effective July 20, 1990)

Section 130.90 Check-in and Check-out Times

- a) Check-in times are normally from 7:00 a.m. until 10:00 p.m. Late check-in will be allowed providing camping space is available, when site staff is available or to help avert emergencies.

- b) Check-out time is 3:00 p.m.

- 1) If a camper has checked out and desires to remain in the area for the other purposes after the check-out time, he must break camp and move from the campground.

- 2) The camper shall remove all personally owned camping equipment from the campground at the time the camper

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

leaves.

- 3) Failure to remove camping equipment by 3:00 p.m. without specific authorization by Department of Conservation staff shall obligate the camper to pay an additional night's fee(s). The camper may elect to stay the additional night if such use does not violate time limits and if space is available.

(Source: Amended at 14 Ill. Reg. 12402, effective July 20, 1990)

Section 130.100 Unoccupied Camps

- a) A camper may leave his camp unoccupied at his own risk for no more than 24 hours during the period between May 15 and September 15. The permit will be revoked for any camp which is continuously vacant for longer than 24 hours. No refund will be issued in this case.
- b) During the period between September 16 and May 14, a camper may leave his camp unoccupied at his own risk by paying the camping fee and, if at a site with utilities, the utility fee for the entire period covered by the permit, within the limits set by Section 130.60), when notification has been given to the site superintendent.

- c) A camp is deemed to have been abandoned if a camper does not appear to remove his camping equipment within 24 hours of the expiration of his camping permit. When a camp is abandoned, staff will attempt to call the owner at the phone number associated with the license plate number of the camping vehicle. Following this effort, the camp equipment will be inventoried by park staff with an authorized peace officer and it will be removed to a place for safeguarding in the maintenance area for storage. If the owner cannot be located within 30 days, it will be sent to the Law Enforcement Division of the Department for disposal under the rules of abandoned property. "An Act relating to custody and disposition of certain property possessed by law enforcement agencies" (Ill. Rev. Stat. 19852, ch. 141, par. 141 et seq.) and The Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 4-201 et seq.).

(Source: Amended at 14 Ill. Reg. 12402, effective July 20, 1990)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Section 130.130 Organization Group Camps (charter organizations, ROTC, private clubs or ~~others~~others)

- a) The organized group camping areas are available for camping without showers or electricity. Other forms of camps will be placed in the appropriate sites on an individual and equal basis with other campers.
- b) An organized group camp consisting of 10 or more adults may apply for reservation in the organized group camping area. If the area is available and the Site Superintendent has approved the reservation, each member will pay \$2.00 a day camping fee.
- c) If the organized group camping area is unavailable, the organization will be accommodated only as individual campers and will use the regular campgrounds on an equal basis with other campers. The camping fee and utility fee applicable to the campsite classification will be charged for each campsite used by the group.

(Source: Amended at 14 Ill. Reg. 12402, effective July 20, 1990)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season
- 2) CODE CITATION: 17 Ill. Adm. Code 720
- 3) SECTION NUMBERS: ADOPTED ACTION:
720.10 Amendments
720.20 Amendments
720.40 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 2.9, 2.10, and 2.11).
- 5) EFFECTIVE DATE OF AMENDMENTS: July 20, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 16, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 23, 1990, 14 Ill. Reg. 4355
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

Throughout the Part, all references to "Ill. Rev. Stat." were updated to the "1989" version.

In Section 720.40(b) "Pike County Conservation Area" the dates were changed to: "October 1 - November 30 only".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were based upon biological surveys and data analyses which have resulted in the determination that modifications to the fall archery turkey hunting regulations are necessary

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

to maintain and manage healthy populations of turkeys.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

- 720.10 Hunting Seasons and Counties Open to Hunting
720.20 Turkey Permit Requirements
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: October 1 through December 31, except closed during firearm deer season.

b) Open Counties:

Adams	Jo Daviess
Alexander	Johnson
Brown	Macoupin
Calhoun	Marion
Carroll	Marshall
Cass	McDonough
Effingham	Monroe
Fayette	Pike
Fulton	Pope
Gallatin	Putnam
Greene	Randolph
Hancock	Saline
Hardin	Schuyler
Henderson	Union

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Jackson Washington
Jersey Williamson

(Source: Amended at 14 Ill. Reg. 12413, effective July 20, 1990)

Section 720.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$5.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, Illinois 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. ~~Not more than 4 individuals may apply for a group hunt.~~ Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

- c) Applications will be accepted beginning the first Monday in June. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.

- d) Illinois resident landowners or tenants of 40 acres or more land and members of their immediate family may apply for a free turkey permit for their property only in

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

counties open for turkey hunting. A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.

e) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:

- A) Submittal of a copy of property deed;
- B) Submittal of a copy of contract for deed;
- C) ~~Submittal of a copy of most recent real estate tax statement. (If name on tax statement is different from name of landowner, proof of purchase agreement must be submitted).~~ Submittal of a copy of a tax statement for the property (upon which the landowner's name appears);
- D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

3) If you are applying for a tenant permit, you are required to submit in addition to the landowner certification and proof of ownership, a copy of one of the following:

A) ~~A copy of Internal Revenue Service Schedule-F 1997-Submittal of a copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or~~

B) ~~Any document showing participation in Set-Aside or Agricultural Conservation Programs (ACP) such as a farm Agricultural Stabilization and Conservation Service 476, or Agricultural Conservation Programs 245-Submittal of a copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.~~

4) A hunting rights lease or other non-agricultural lease, is not valid for a landowner or tenant permit. A trustee of a land trust is not eligible to receive a landowner permit.

5) ~~Ownership of shares in a corporation shall not be accepted as a basis for county-wide Wild Turkey Hunting paid permit based upon lands owned by the corporation.~~

6) 5) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

f) A \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail then there will be no charge.

g) It shall be unlawful to:

- 1) Submit more than one application for the same person.
- 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application of rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 14 Ill. Reg. 12413, effective July 20, 1990)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Statewide regulations shall apply for the following sites:

AMAX Leased Lands

Anderson Lake Conservation Area

Argyle Lake State Park (October 15 through December 31)

Big River State Forest

Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subimpoundment area closed 3 days prior to and during the duck season)

Dog Island Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres Historic Site

Giant City State Park

Kinkaid Lake Fish and Wildlife Area

LaRue Scatters

Mississippi Palisades State Park (season dates - November 1 - December 31)

Oakwood Bottoms

Pere Marquette State Park

Pike County Conservation Area (October 1 - September 30 November 30 only)

Ramsey Lake State Park

Rockhouse Creek (Monroe County)

Saline County Conservation Area

Silcoam Springs State Park

Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 14 Ill. Reg. 12413, effective July 20, 1990)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Gun Season

- 2) CODE CITATION: 17 Ill. Adm. Code 715

- 3) SECTION NUMBERS:

715.10
715.20
715.30
715.40

ADOPTED ACTION:

Amendments
Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10, and 2.11).

- 5) EFFECTIVE DATE OF AMENDMENTS: July 20, 1990

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 16, 1990

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 23, 1990, 14 Ill. Reg. 4363

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

Throughout the Part, all references to "Ill. Rev. Stat." were updated to the "1989" version.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were based upon biological surveys and data analyses which have resulted in the determination that modifications to the fall gun turkey hunting regulations are necessary to maintain and manage healthy populations of turkeys.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

715.10 Hunting Season and Permit Quotas
715.20 Turkey Permit Requirements
715.30 Turkey Hunting Regulations
715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990.

Section 715.10 Hunting Season and Permit Quotas

- a) Season: October 14¹³ through October 22⁷, 1989²¹, 1990.
b) Open Counties and Permit Quotas

OPEN COUNTIES	NUMBER OF PERMITS PER SEASON
Adams	125200
Alexander	100150
Brown	150200
Calhoun	175200
Carroll	150
Gallatin/Hardin (south of Rt. 13 only)	200
Greene	100
Jackson	250
Jersey	100175
Jo Daviess	225400
Marshall/Putnam (east of Ill. River only ⁷)	75
north of State Hwy 17; and south of the McNabb Blacktop (County Road 500 N.1)	
Pike	250350
Pope (north of Rt. 146 only)	300
Saline	5075
Schuyler	200300
Union	250

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

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(Source: Amended at 14 Ill. Reg. 12421, effective July 20, 1990)

Section 715.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.
- c) The application dates for obtaining permits are July 5 through July 19. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield in which the first choice of county will be allocated before the second choice is considered. Applications

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

post-marked after July 19 will not be included in the drawing.

- d) Permits not issued during the computerized drawing will be available in a random daily drawing beginning September 5. All hunters not receiving a permit in the computerized drawing may apply at this time for the available permits.
- e) Landowners or tenants of 40 acres or more land and members of their immediate family may apply for one free turkey permit for their property only in counties areas open for turkey hunting. A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license.
- f) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.
 - 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
 - 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:
 - A) Submittal of a copy of property deed;
 - B) Submittal of a copy of contract for deed; or
 - C) ~~Submittal of copy of most recent real estate tax statement. (If name on tax statement is different from name of landowner, proof of purchase agreement must be submitted).~~ Submittal of a copy of a tax statement for the property (upon which the landowner's name appears);
 - D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.
- 3) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - A) ~~A copy of Internal Revenue Service Schedule F 1988; or A copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or~~
 - B) ~~Any document showing participation in Set Aside or Agricultural Conservation Programs (ACP) such as a form Agricultural Stabilization and Conservation Service 476; Commodity Credit Corporation 477 or Agricultural Conservation Programs 245-A copy of either an Agricultural Stabilization and Conservation Services 476 form or Commodity Credit Corporation 477 form.~~
- 4) A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- 5) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land.
- 6) For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- 7) Shareholders of corporations owning 40 or more acres of land in a county area open to hunting may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

g) A \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will be made.

h) It shall be unlawful to:

- 1) Submit applications for receiving more than one permit for the same person; or
- 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 14 Ill. Reg. 12421, effective July 20, 1990)

Section 715.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait;
- b) to take, or attempt to take, more than one wild turkey per valid permit;
- c) to use any weapon except a shotgun. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used;
- d) to hunt except from 1/2 hour before sunrise to sunset during each day of the season;

e) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession;

f) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon taking possession. The wild turkey shall be taken whole (not dressed) by the hunter in person to the designated check station for the county in which it was killed, or the closest check station, by 7:00 p.m. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station; and

g) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.

(Source: Amended at 14 Ill. Reg. 12421, effective July 20, 1990)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

a) Statewide regulations (See 17 Ill. Adm. Code 510) shall apply for the following sites:

AMAX Leased Lands in Schuyler County

Dog Island Wildlife Management Area

Pike County Conservation Area

Shawnee National Forest

b) Statewide regulations shall apply except that all hunters must check in and check out and must report turkey harvest at the check station or on a sign out sheet at the areas listed below. Quotas, where listed, will be on a first-come, first-serve basis. Hunters will not be allowed to sign in prior to 4 a.m. each day of the season.

Giant City State Park

Pere Marquette State Park - Public Hunting Area

Saline County Conservation Area

Siloam Springs State Park - quota 20

ILLINOIS REGISTER

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Trail of Tears State Forest

Union County Conservation Area - Firing Line
Management Unit Only

Weinburg-King State Park

- c) Statewide regulations shall apply except that all hunters must sign in and check out to report turkeys harvested. There will be a daily quota of 2 (two) hunters which will be taken on a first-come, first-served basis. Hunters will not be allowed to sign in prior to 4 a.m. each day of the season.

Tapley Woods

- d) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-serve sites.

(Source: Amended at 14 Ill. Reg. 12421, effective
July 20, 1990)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Firearms

- 2) CODE CITATION: 17 Ill. Adm. Code 650

- 3) SECTION NUMBERS: ADOPTED ACTION:

650.10 Amendments
650.20 Amendments
650.21 Amendments
650.22 Amendments
650.30 Amendments
650.40 Amendments
650.50 Amendments
650.60 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

- 5) EFFECTIVE DATE OF AMENDMENTS: July 20, 1990

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 16, 1990

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 23, 1990, 14 Ill. Reg. 4385

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

Throughout the Part, all references to "Ill. Rev. Stat." were updated to the "1989" version.

In Section 650.22(a), a comma was inserted following "January 11, 12 and 13".

In Section 650.60(m), the comma following "apply" was changed to a semi-colon, "their rights" was changed to "his or her right" and "counties" was changed to lower case.

In Section 650.60(n), following "Only one permit" the following was added: "will be issued" and "their right" was

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

changed to "his or her right".

In Section 650.60(o), "said adult" was changed to "the accompanying adult".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were based upon biological surveys and data analyses which have resulted in the determination that modifications to the firearm white-tailed deer hunting regulations are necessary to maintain and manage healthy populations of deer.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section	
650.10	Statewide Season
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free
650.22	Deer Permit Requirements - Special Hunts
650.23	Deer Permit Requirements - Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990.

Section 650.10 Statewide Season

a) Season: 12:01 a.m. on Friday of the third 3-day weekend in November to 6:00 p.m. on Sunday of the third 3-day weekend in November, and 12:01 a.m. on Friday of the second 3-day weekend in December to 6:00 p.m. on Sunday of the second 3-day weekend in December. Shooting hours are half hour before sunrise to sunset.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- b) ~~All persons in the field during the firearm deer season hunting bobwhite quail, Hungarian partridge, cock pheasant, rabbits, crows, rail, common snipe and woodcock in these counties for which an open season is established for the taking of deer by firearm shall wear the same blaze orange clothing required for deer hunting.~~

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). "Non-Resident Firearm Deer Permit" may be obtained by non-residents of Illinois provided that they shall be charged the same fee as an Illinois resident would be charged for a deer hunting permit by the State in which the applicant resides, except in no case shall the fee be less than \$50.00, and if the State in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, Illinois 62794-9227

- b) Applications will be accepted through April 30, of the current year. Applications received after April 30 will not be included in the lottery. Permits will be allocated in a computerized random drawing in which the first choice of hunt areas or counties will be allocated before the second choice areas are considered.
- c) Counties with unfilled quotas after the drawing will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 1, of the current year. Applications received after October 31 will be issued a permit for the second hunting season. A list of unfilled counties will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Daily Drawing will be processed individually.

- d) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed proportionately (mail and over the counter receipt). All applications received on a specific day will be processed before processing applications received for a subsequent day.
- e) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Pope County shall be divided into Northern Pope and Southern Pope by Route 146, beginning at Golconda and extending westward to the Johnson-Pope county lines. Separate permits will be issued for each of these areas. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.
- f) Applications for non-resident firearm permits will be accepted beginning October 15. These applications will not be processed until October 31.
- g) Applicants may apply as of November 1 for a firearm permit (\$15 fee), issued in a random daily drawing, ~~fewer~~ for any permits left over from the county quotas to hunt the second 3-day firearm season. Applicants may be anyone that:
- 1) is applying for their first permit;
 - 2) was previously issued one firearm or one archery permit;
 - 3) was previously issued one firearm and one archery permit; or
 - 4) was previously issued two archery permits.
- h) Hunter preference in obtaining a permit will be given

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county/countries of their choice being full. The following criteria must be met to obtain a preference in the permit lottery:

- 1) The applicant must apply using the official agency preprinted Data-Mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Firearm Deer permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
- 3) The applicant must apply for the same first county choice which he/she listed on the previous year's application. Preference for a permit is valid only for the first county choice.
- 4) Where applicants apply as a group, preference for the entire group will apply as it does above for the individual. All first county choices for the group must be identical.
- i) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.
- j) Permits are not transferrable. Refunds will not be granted, unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- k) A three dollar (\$3.00) service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- 1) Applications must have the Antlered-Only (a deer with at least one antler of a length of 3 inches or more) box checked if the application is to be considered for an Antlered-Only permit and the application is unsuccessful in the lottery for an Either Sex permit.
- m) Persons with lottery preference (i.e., who did not

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

receive a Firearm Deer Permit during the previous year) will have first chance at receiving available Either Sex permits. Where the number of applications receiving preference over-subscribes a county for Either Sex permits, the oversubscribed preference applications will be allocated Antlered-Only permits if the Antlered-Only box is marked.

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free

a) Landowners, including out-of-state Illinois landowners, and tenants, but not out-of-state tenants, owning or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid Firearm Deer permit providing they reside on the same property as the landowner or tenant. Incomplete applications will be returned. Out-of-state landowners must obtain a non-resident hunting license, in addition to the deer permit. The fee for an out-of-state landowner deer permit is the same as an Illinois resident would be charged for an out-of-state landowner deer permit by the State in which the applicant resides, and if the State in which the applicant resides does not provide for deer hunting by Illinois out-of-state landowners, then the fee shall be \$100.00. These applications will not be subject to the public drawing or the Random Daily Drawing.

b) Landowners, including out-of-state Illinois landowners, who own 40 acres or more of land or tenants residing on 40 acres or more of farm land, and members of their immediate family whose domicile is on the same land as the landowner or tenant, may apply for a free permit for their property only. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. The deer hunting permit issued without fee shall be valid on all farmlands which the person to whom it is issued owns, leases or rents. (Sec. 2.26 of the Wildlife Code, Ill. Rev. Stat. 1987-1989, ch. 61, par.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

2.26)

- c) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- d) A tenant for the purpose of Part 650 is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- e) Date of acceptance of landowner/tenant free permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by February 28.
- f) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of a tax statement for the property (if name on tax statement is different from name of landowner, proof of purchase agreement must be submitted). Submittal of a copy of a tax statement for the property (upon which the landowner's name appears);
- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A copy of Internal Revenue Service Schedule F from either of the previous two years-A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) Any document showing participation in Set-Aside or Agricultural Conservation Programs (ACP) such as a form Agricultural Stabilization and Conservation Service 476, Commodity Credit Corporation 477 or Agricultural Conservation Programs 245-A copy of either an Agricultural Stabilization and Conservation Service 476 Form or Commodity Credit Corporation 477 Form.
- i) Land Tracts, ~~AA~~ hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

- m) Landowners or tenants may apply for a second permit (\$15.00 fee) from any permits not issued as of November 1 in the random daily drawing.

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.22 Deer Permit Requirements - Special Hunts

- a) Special hunts are regulated by the agency which manages the property. The Permit Office only issues deer hunting permits for Crab Orchard, Shelbyville Wildlife Management Area - (Moultrie County), Fox Ridge State Park - (Coles County), Hidden Springs State Forest - (Shelby County), Eagle Creek Wildlife Management Area - (Shelby County), Sand Ridge State Forest - (Mason County), ~~Kankakee River State Park - (Kankakee and Will Counties first season only)~~ Des Plaines Conservation Area - (Will County January 6, 7, and 8, 1990, 11, 12 and 13, 1991 only), Cilco Duck Creek - (Fulton County first and second season only). The Department of Conservation allocates firearm permits for the areas listed below through a computerized drawing. Hunters wishing to hunt special conservation areas other than those listed in this subsection must first acquire a deer permit for the county in which the conservation area is located and then apply for the specific site drawing. (See Section 650.60 for a list of Conservation areas and permit and specific site application procedures).

- 1) Crab Orchard - Permits for Crab Orchard are allocated separately for each of the first and second three-day seasons. Each three-day season will be considered as a choice. Applicant must indicate in the First Choice

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

County or Hunt Area field if they are applying for the first or second season on Crab Orchard (for example: Applicants should show "Crab Orchard 1st Season" or "Crab Orchard 2nd Season") or the application will be returned.

- 2) The preference system does not include, Shelbyville Wildlife Management Area - (Moultrie County), Fox Ridge State Park - (Coles County), Hidden Springs State Forest - (Shelby County), Eagle Creek Wildlife Management Area - (Shelby County), Sand Ridge State Forest - (Mason County), ~~Kankakee River State Park - (Kankakee and Will Counties first season only)~~, Des Plaines Conservation Area - (Will County January 6, 7, and 8, 1990, 11, 12 and 13, 1991 only), Cilco Duck Creek - (Fulton County first and second season) and Crab Orchard.

- b) Each applicant must enclose a separate \$15.00 fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.30 Statewide Firearms Requirements

- a) The only legal hunting devices to take, or attempt to take, deer are:
- 1) Shotgun of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzle-loading firearm shooting a single projectile through a smooth or rifled barrel.
- b) All other firearms are illegal.
- c) The standards and specifications for use of such muzzle-loading firearms are as follows:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The minimum size of the muzzle-loading rifle with its associated projectile shall be .45 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
- 2) Black powder or Pyrodex only may be used.
- 3) Percussion caps or flint type ignition only may be used.
- 4) Removal of percussion cap or flint only from a muzzle-loading rifle will constitute an unloaded gun.

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.40 Statewide Deer Hunting Rules

- a) Bag limits (per legally authorized permit): an either sex firearm permit holder, including a Landowner/Tenant Firearm permit holder, is allowed one deer of either sex during the legal firearm season. An Antlered-Only firearm permit holder is allowed to take a deer having at least one antler of a length of 3 inches or more during the legal firearm season. An antler-less only permit holder is allowed to take a deer that does not have any antler of a length of 3" or more during the legal firearm deer season or as identified in site specific regulations.
- b) ~~Totally white white-tailed deer are protected by Illinois Law and are illegal to kill.~~ (Sec. 2.26 of the Wildlife Code, Ill. Rev. Stat. 1987-1989, ch. 61, par. 2.24)
- c) The Firearm Deer Hunting Permit shall be signed, date of birth, Firearm Owners Identification number, hunting license number and physical description recorded on the permit and worn on the back while hunting with hunter's name and address plainly visible.
- d) ~~The leg tag shall be attached and sealed to the leg of the deer at the kill site before the deer is moved or transported. The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed~~

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

without properly attaching the leg tag to the deer. Such leg tag shall remain with the deer carcass while being processed for consumption or other purposes. The leg tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took or possessed the deer. The head/antler or hide tag shall be attached to the head/antler and hide detached from the carcass. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. Deer shall be checked in by the hunter in person by 7:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site.

e) Hunters shall not have in their possession, any deer permit issued to another person, during deer hunting hours (permits are non-transferrable).

f) An Antlered-Only Deer permit authorizes the holder to take only a deer with at least one antler of a length of 3 inches or more. An antler-less only permit authorizes the holder to take only a deer not having any antler of 3" or more. These permits will be issued only in selected counties having large deer herds and related crop damage and will provide additional hunters the opportunity to hunt in these counties.

g) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.50

Rejection of Application/Revocation of Permits

- a) Any of the following shall result in rejection of an application:
 - 1) Using ~~land trusts,~~ hunting rights leaser or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

to obtain a firearm deer permit;

- 2) Submitting more than one application in the same name or by the same person for a Firearm Deer Permit. This will also result in the forfeiture of application fees submitted.
- 3) Providing false and/or deceptive information on the deer permit application form.
- 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, par. 3.36).
- b) Any violation of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 1.1 et seq.) or administrative rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 14 Ill. Reg. 12430, effective July 20, 1990)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Statewide regulations shall apply at the following sites:

AMAX Leased Lands

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area except Subimpoundment Area

Crawford County Conservation Area

Dog Island Wildlife Management Area

Hamilton County Conservation Area

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Horseshoe Lake Conservation Area - Alexander County - north of Route 3 only

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Lake Kinkaid Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Panther Creek Conservation Area

Rend Lake Wildlife Management Area

Rockhouse Creek (Monroe County)

Saline County Conservation Area

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters (closed at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, West of the Big Muddy Levee, closed at noon)

Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15)

Union County Conservation Area - firing line management unit

Wildcat Hollow State Park

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- c) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres State Park (hunting in designated areas only; muzzle-loading firearms only)

Giant City State Park

I-24 Wildlife Management Area

Mermet Conservation Area (no hunting in the waterfowl area)

Pere Marquette State Park

Pyramid State Park

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Weinberg-King State Park

- d) Statewide regulations shall apply and in addition all hunters must have a free permit allocated by mail-in drawing held at Regional Office on October 19. Only one permit per person will be issued. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Any duplicate applications will be denied and the hunter will forfeit his rights to a site permit. Permit holders must check in at the site check station by 5:30 a.m. Permits are void for that day after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. Each permit will be valid for the first 3-day portion of the firearm deer season or the second 3-day portion of the season. At Heidecke State Fish and Wildlife Area, no vacancies will be filled after the daily drawing to fill vacancies and no more than two (2) applications may be submitted as a group for the October 19 drawing; and hunters under 16 years of age must hunt with an adult who is eligible to hunt at Heidecke State Fish and Wildlife Area.

Heidecke State Fish and Wildlife Area

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Tapley Woods

- e) Statewide regulations shall apply except hunting allowed by permit only during the first 3-day portion of the firearm deer season. Hunter permits are allocated by a mail-in drawing held at the Regional Office or site office on October 19. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site check station by 5:30 a.m. each day. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. at the sites. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Castle Rock State Park

Green River (Lee County Conservation Area)

Iroquois County Conservation Area

Mississippi Palisades State Park

Morrison Rockwood State Park

- f) Statewide regulations shall apply except hunting allowed by permit only. Each permit will be valid for both of the 3-day portions of the firearm deer season and permits will be allocated by a mail-in drawing to be held at the Regional office on October 19. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site by 5:30 a.m. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing until 1:00 p.m. ~~except at Morrison Rockwood State Park where a drawing will be held at 5:30 a.m. to fill vacancies for that day.~~ Further check-in and check-out and reporting of deer harvested is required of all hunters.

Big River State Forest

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Mackinaw River State Fish and Wildlife Area

Marseilles Conservation Area

Marshall State Fish and Wildlife Area

~~Morrison-Reckwood State Park~~

Woodford County Conservation Area

- g) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every night for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Kickapoo State Park

Middle Fork Fish and Wildlife Area

- h) Statewide regulations will apply, except hunting is allowed by permit only. Permits will be allocated by a mail-in drawing at the District office. The registration procedure, hunter quota, and date for the drawing will be announced by public news release. Holders of current Cass County Firearm Deer Permits will be eligible for the drawing. Permits available after the drawing will be allocated on a first-come or first-come basis from the District office. All permit holders must sign in at the site check station between 4:30 a.m. and 6:00 a.m. and exchange their hunting license for a back patch which must be worn at all times. Daily vacancies will be filled on a first-come basis at the site office beginning at 6:00 a.m. Hunters will be assigned an area from which to begin their hunt. After one hour has elapsed, hunters may move to any portion of the area open to hunting. It is unlawful to park anywhere on the site except at designated parking areas. Hunters must check out and report their harvest immediately after hunting.

Site "M"- Land leased from Commonwealth Edison,
Cass County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- i) Statewide regulations shall apply. Hunters must check in at the site check station at 4:30 a.m. and obtain a back patch before hunting. All hunters must check out immediately after hunting:

Sand Ridge State Forest (All hunters must have a current Sand Ridge State Forest Firearm Deer Permit, obtainable via the lottery process through the Deer Permit Office)

- j) Statewide regulations shall apply. A maximum of 20 hunters will be allowed on the site each day. Hunter registration begins at the check station at 4:00 a.m. each day of the season. If more than 20 hunters register by 4:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt.

Perry Clyde State Park

- k) Statewide regulations will apply, except as noted. Hunting is allowed by permit only. First and second season permits will be allocated by mail-in drawings at the site office. The registration procedures, hunter quota and dates for these drawings will be announced by public news release. To be eligible for the drawing, an individual under the age of 16 must register with and hunt with an adult at least 18 years of age. All individuals must possess a current Christian County or Sangamon County Firearm Deer Permit. Permits available after the drawings will be allocated on a first-come or first-come basis from the site office. All permit holders must sign in by 8:00 a.m. at the site office. Daily vacancies will be filled on a first-come basis at the site office beginning at 8:00 a.m. Check-in and check-out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl on the Saturday and Sunday of the November deer season, the western shoreline of the west arm of the lake and the western half of the DOC-owned middle peninsula will be closed to deer hunting until 1:00 p.m. on the Saturday and Sunday of the November deer season.

Sangchris Lake Fish and Wildlife Area

- l) Statewide regulations shall apply and in addition all

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

hunters must have a permit allocated by a mail-in drawing held at the Regional Office. Permits will be for Area A or Area B. Permits for Area A will be valid for the first 3-day deer season only; Area B permits will be valid for both 3-day seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit.

Pike County Conservation Area

m) Statewide regulations shall apply, hunting dates are the last Saturday and Sunday of January. In addition, all hunters must have a special permit allocated by a mail-in drawing to be held at the Union County Refuge Office. Only Alexander County permit holders who were unsuccessful during the previous year's shotgun deer season are eligible. Permits will be valid for one day only of this special hunt. Any duplicate applications will be denied and that person shall forfeit his or her rights to a permit. Specific information regarding application requirements and drawing dates will be included with the Alexander County Shotgun Deer Permit-Statewide regulations shall apply; the hunting date is the last Saturday in January 1991. Hunters must have a special permit allocated by a mail-in drawing. Only paid permit holders who were unsuccessful during the previous year's shotgun season are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1990 Deer Firearm Permits for Union and Alexander Counties.

Horseshoe Lake Refuge (Alexander County)

Horseshoe Lake Conservation Area (Alexander County permit holders only)

Union County Conservation Area (Union County permit holders only)

n) Statewide regulations shall apply except hunting is by special permit obtained through statewide lottery for Kankakee River State Park only; hunting permitted

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

the first deer season; hunters are required to hunt within 50 feet of assigned, numbered stand only; no standby hunters allowed; hunters are required to obtain a vehicle permit from site office and display the permit in the windshield of their vehicle while hunting-Statewide regulations shall apply. Hunting is allowed by permit only during the first three day portion of the firearm season. Special permits are allocated by a mail-in drawing. Only one permit will be issued per person. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Only Franklin County permit holders can apply. Permit holders must check in at the site check station by 5:30 a.m. each day. Permits are void after 5:30 a.m. Further check-in and reporting of deer harvested is required by all hunters. Specific application information will be included with the Franklin County 1990 Deer Firearm Permits.

Kankakee River State Park

Wayne Fitzgerald State Recreation Area (Franklin County portion only)

o) Statewide regulations shall apply except hunting is by special permit only obtained through statewide lottery for the Des Plaines Conservation Area; hunting dates are January 5, 6 and 7, 1991. 12 and 13, 1991 only; the area is closed to firearm deer hunting during the regular statewide seasons; hunters are required to hunt in assigned, designated areas only; areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted; hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting; the site office is the only check station for this hunt; all deer taken must be taken to the check station as per regular firearm deer hunting regulations; hunters under 16 years of age must be accompanied by an adult while hunting, the accompanying adult is exempt from provisions of 17 Ill. Adm. Code 510.10(c)(5).

Des Plaines Conservation Area

(Source: Amended at 14 Ill. Reg. 12430, effective

ILLINOIS REGISTER
DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

July 20, 1990)

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Comprehensive Health Education
- 2) Code Citation: 23 Ill. Adm. Code 253
- 3) Section Number: 253.30
Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 861 et seq.; Ill. Rev. Stat. 1989, ch. 122, par. 27-9.2.
- 5) Effective Date of Amendments: July 24, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: June 26, 1990
- 9) Notice of Proposal Published in Illinois Register:
February 2, 1990, 14 Ill. Reg. 1645
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: The State Board only made those technical changes requested by the Code Division and JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendment:
These amendments bring the rules governing comprehensive health education into compliance with the following legislation:

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- P.A. 85-680, which added two provisions: 1) Health education must include the study of the prevention and control of disease, including AIDS (Section 253.30(b)(4)); and 2) Students shall not be required to participate in a class or course on AIDS instruction, if their families object (Section 253.30(c));
- P.A. 85-1389, which added the requirement that health education include the study of all aspects of family life, including sexual abstinence until marriage (Section 253.30(b)(7));
- P.A. 86-878, which added the requirement that health education include the study of the legal and medical ramifications of alcohol, drug and tobacco use and abuse during pregnancy (Section 253.30(b)(8)); and
- P.A. 86-941, which added classes in family life as courses of study that students shall not be required to take, if their families object (Section 253.30(c)).

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Sheryl Poggi
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-6207

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 253

COMPREHENSIVE HEALTH EDUCATION

Section	Definition of Terms
253.10	Responsibility for Health Education
253.20	Basis for Comprehensive Health Education Curricula
253.30	Time Requirements
253.40	Scheduling Procedures
253.50	The Health Education Instructional Program
253.60	Materials and Facilities
253.70	Evaluation

AUTHORITY: Implementing the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 861 et seq.) and Section 27-23.3 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 27-23.3) and authorized by Section 6 of the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 866).

SOURCE: Adopted March 1, 1972; codified at 7 Ill. Reg. 16506; amended at 14 Ill. Reg. 12452, effective July 24, 1990.

NOTE: Capitalization denotes statutory language.

Section 253.30 Basis for Comprehensive Health Education Curricula

~~The comprehensive health education program shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State:--human ecology and health, human growth and development, prevention and control of disease, public and environmental health, consumer health, safety education and disaster survival, mental health and fitness, personal health habits, alcohol, drug use and abuse, tobacco, nutrition, and dental health.~~

- a) The subjects set forth in subsections (b)(1) through (b)(13) of this section are those which must be addressed in the comprehensive health education program each school district is required to establish pursuant to the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 861 et seq.). Nothing in this section shall be construed as requiring or preventing any school

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

district from establishing a class or course in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 27-9.1, 27-9.2) or by the Sex Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 698.51 et seq.).

b) THE FOLLOWING MAJOR EDUCATIONAL AREAS SHALL BE INCLUDED IN COMPREHENSIVE HEALTH EDUCATION CURRICULA IN ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE:

- 1) HUMAN GROWTH AND DEVELOPMENT;
- 2) HUMAN ECOLOGY AND HEALTH;
- 3) NUTRITION;
- 4) PREVENTION AND CONTROL OF DISEASE, INCLUDING INSTRUCTION IN GRADES 6 THROUGH 12 ON THE PREVENTION, TRANSMISSION AND SPREAD OF AIDS;
- 5) MENTAL HEALTH AND ILLNESS;
- 6) PERSONAL HEALTH HABITS;
- 7) THE EMOTIONAL, PSYCHOLOGICAL, PHYSIOLOGICAL, HYGIENIC AND SOCIAL RESPONSIBILITIES OF FAMILY LIFE, INCLUDING SEXUAL ABSTINENCE UNTIL MARRIAGE;
- 8) ALCOHOL AND DRUG USE AND ABUSE, INCLUDING CLASSROOM INSTRUCTION IN GRADES 5 THROUGH 12 CONCERNING THE PHYSICAL AND LEGAL EFFECTS AND RAMIFICATIONS OF DRUG AND SUBSTANCE ABUSE INCLUDING MEDICAL AND LEGAL RAMIFICATIONS OF ALCOHOL, DRUG AND TOBACCO USE AND ABUSE DURING PREGNANCY;
- 9) TOBACCO;
- 10) DENTAL HEALTH;
- 11) PUBLIC AND ENVIRONMENTAL HEALTH;
- 12) SAFETY EDUCATION AND DISASTER SURVIVAL; AND
- 13) CONSUMER HEALTH (Section 3 of the Act).

c) NO PUPIL SHALL BE REQUIRED TO TAKE OR PARTICIPATE IN ANY CLASS OR COURSE ON AIDS INSTRUCTION OR FAMILY LIFE IF THE PUPIL'S PARENT OR GUARDIAN SUBMITS WRITTEN

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

OBJECTION THERETO, AND REFUSAL TO TAKE OR PARTICIPATE IN SUCH COURSE OR PROGRAM SHALL NOT BE REASON FOR SUSPENSION OR EXPULSION OF SUCH PERSON (Section 3 of the Act).

- d) Health education program curricula may include those subjects cited as additional elements in Section 3 of the Critical Health Problems and Comprehensive Health Education Act and in Section 27-23.3 of The School Code.

(Source: Amended at 14 Ill. Reg. 12452, effective 7/24/90.)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Public Schools Evaluation, Recognition and Supervision

- 2) Code Citation: 23 Ill. Adm. Code 1

- 3) Section Number:

1.30
1.240
1.280
1.290
1.320
1.420
1.430
1.440
1.630
1.640
1.730
1.735
Appendix A
Appendix B

Adopted Action:

Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
New Section
Amendment
Amendment

- 4) Statutory Authority: Section 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, and 27-23.3 of The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, 27-23.3).

- 5) Effective Date of Amendments: July 24, 1990

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.

- 8) Date Filed in Agency's Principal Office: June 26, 1990

- 9) Notice of Proposal Published in Illinois Register:

February 2, 1990, 14 Ill. Reg. 1650

- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 11) Difference(s) between proposal and final version:

The first sentence in Sections 1.735(a)(3), (b)(3), (c)(3)(B), (d)(3), (e)(3), and (f)(2) has been replaced with the following:

In vocational education reimbursement programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area.

The following language should be added to Section 1.735(f)(5).

In schools with cooperative courses to serve students with special needs, such as Work Experience and Career Exploration Program, Early School Leaver Program, and vocationally reimbursed Special Education Cooperative Education, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (f)(4), except that the twenty-four (24) semester hours in the occupational specialty area shall be waived.

The strikeouts were removed from "except in school districts over 500,000" in Section 1.630(b)(2).

The internal subsection numbers of "1)" and "2)" in Section 1.735(f)(3) were removed and a semicolon was added after "hours;"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will this rule replace an emergency rule currently in effect? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? Yes
 Section Numbers Proposed Action Illinois Register Citation
 1.245 New Section 14 Ill. Reg. 6931
- 15) Summary and Purpose of Amendment:
 Several pieces of legislation over the last two years have affected provisions of Part 1, and these have been updated at this time. Specifically:
- P.A. 85-375 led to the amendment of Section 1.280 (Discipline);
 - P.A. 85-1389 affected Section 1.420(n) (Health Education);
 - P.A. 86-229 added waste reduction and recycling to the topics recommended for inclusion in conservation of natural resources courses (Section 1.420(1)(1));
 - P.A. 86-623 added American Sign Language as an accepted foreign language (Section 1.440(g)(5)(C));
 - P.A. 86-780 added the study of the Holocaust to Social Studies and History requirements (Section 1.420(r));
 - P.A. 86-788 required instruction in grades K through 8 on the prevention of substance abuse (added as Section 1.430(a)(12)); and
 - P.A. 86-828 required instruction regarding the abuse of anabolic steroids (Section 1.420(u)).

Recommendations of the Mandates Task Force chaired by Senator John Maitland necessitated the following changes:

- Section 1.30, which calls for a written program plan, has been amended to refer to the Learning Assessment and School Improvement Plans now required of all school districts;
- In Section 1.420 (Basic Standards), three subsections were deleted to eliminate the mandates they contain: 1.420(c), (s) and (v). These have required provisions for students of different talents, intellectual capacities and interests; metric education; and the preparation of students to read and communicate effectively.

A recommendation from the Superintendent's Rules Advisory Committee to delete unenforceable provisions eliminated 1.420(j) (continuity and articulation).

New standards adopted by the State Teacher Certification Board, effective on July 1, 1991, changed the effective date of Section 1.730 (Minimum Requirements for Secondary Teachers and Specified

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Subject Area Teachers in Grades Six (6) and Above), as this relates to Vocational Education (subsection (v)), and added Section 1.735 (Requirements to take effect on July 1, 1991).

The agency agreed with JCARE to add language to Section 1.290 (Absenteeism and Truancy Policies) that would clarify the definition of immediate family and specify how approval for absences under other circumstances could be obtained.

The final set of amendments made technical changes, updated sections, deleted obsolete or unnecessary language, and corrected text errors in Sections 1.240 (Equal Opportunity), 1.320(d) (Evaluation of Certified Employees), 1.420(r) (Media Programs), 1.640 (Requirements for Different Certificates), and Appendices A and B (Certificate lists).

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Ms. Sheryl Poggi
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 524-6207

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION AND SUPERVISION

Section	
1.10	Periodic Evaluation
1.20	Evaluation by Public School Approval Section and Regional Superintendent
1.30	<u>Written-Program-Plan-to-be-Filed Development of Learning Assessment and School Improvement Plans</u>
1.40	Pending Further Audit
1.50	Three Types of Recognition Status
1.60	Reevaluation
1.70	Effective Dates for Recognition Status
1.80	Appeals

SUBPART B: SCHOOL GOVERNANCE

Section	
1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and The School Code
1.240	Equal Opportunities for all Students
1.250	District to Comply with 23 Ill. Adm. Code 175 and 185
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section	
1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section	
1.410	Determination of the Instructional Program

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1.420	Basic Standards
1.430	Additional Criteria for Elementary Schools
1.440	Additional Criteria for High Schools
1.450	Special Programs
1.460	Credit Earned Through Proficiency Examinations
1.462	Uniform Annual Consumer Education Proficiency Test
1.465	Ethnic School Foreign Language Credit and Program Approval
1.470	Adult and Continuing Education
1.480	Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section	
1.510	Transportation
1.520	School Food Services
1.530	Health Services
1.540	Pupil Personnel Services

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section	
1.610	Public School Districts
1.620	Accreditation of Staff
1.630	Noncertificated Personnel
1.640	Requirements for Different Certificates
1.650	Transcripts of Credits
1.660	Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section	
1.705	Minimum Requirements for Teachers
1.710	Minimum Requirements for Elementary Teachers
1.720	Minimum Requirements for Teachers of Junior High and Departmentalized Upper Elementary Grades
1.730	Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
1.735	Requirements to Take Effect on July 1, 1991
1.740	Standards for Reading
1.750	Standards for Media Services
1.760	Standards for Pupil Personnel Services
1.770	Standards for Special Education Personnel
1.780	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Grades

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

K-12

- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher

SECTION 1. APPENDIX A Professional Staff Certification
SECTION 1. APPENDIX B Certification Quick Reference Chart
SECTION 1. APPENDIX C Glossary Of Terms

AUTHORITY: Implementing Sections 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, and 27-23.3 and authorized by Section 2-3.6 of The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, 27-23.3, and 2-3.6).

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990.

NOTE: Capitalization denotes statutory language.

SUBPART A: RECOGNITION AND SUPERVISION

Section 1.30 Written-Program-Plan-to-be-Filed Development of Learning Assessment and School Improvement Plans

As-part-of-the-recognition-standards,-a-school-district-shall-file-a written program plan with the State Board of Education. The purpose of this requirement is to allow local districts maximum flexibility in developing school improvement programs which are carefully structured around locally identified needs.

- a) The program plan shall be annually revised, updated and submitted to the State Board of Education. Public School Approval Section. This revision and updating will be in accordance with the questions stated on the "School District Annual Report and Application for Recognition."
- b) In the development and revision of its Program Plan, the school district shall reflect community involvement.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Each district shall develop Learning Assessment and School Improvement Plans in accordance with the requirements set forth in 23 Ill. Adm. Code 210 (Learning Assessment and School Improvement Plans).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90.)

SUBPART B: SCHOOL GOVERNANCE

Section 1.240 Equal Opportunities for all Students

All students within a school district must be provided equal opportunities in all education programs and services provided by the system (Section 10-20.12 of The School Code).

- a) No school system may exclude or segregate any pupil from a school because of color, race, or nationality (Section 10-22.5 of The School Code).
- b) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.
- c) Each school district shall assure that no student shall be refused admission or be excluded from any courses of instruction, interscholastic athletic program, or comparable programs by reason of that person's sex. (Public Act 79-597 which amends Sections 24-4 and 27-1 of The School Code) be in compliance with 23 Ill. Adm. Code 200 (Sex Equity).
- d) The board of education shall be in compliance with 23 Ill. Adm. Code 3757 (Student Records).
- e) The board of education shall charge per capita tuition based on an amount not exceeding 110% of the previous year's per capita cost, to nonresident students. Pupils who become nonresidents during a school term shall not be charged tuition for the remainder of the term (Section 10-20.12a 10-20.12a of The School Code).
- f) The board of education shall loan textbooks to students whose parents are unable to buy them (Section 10-20.13 of The School Code).
- g) Any school district containing one or more attendance centers having 20 or more students of limited English-speaking fluency of the same language background shall establish a program in transitional bilingual education

ILLINOIS REGISTER
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

according to 23 Ill. Adm. Code 228, Transitional (Transitional Bilingual Education).

- h) The establishment and operation of all special education shall follow 23 Ill. Adm. Code 226, (Special Education).
- i) Each school district receiving general state aid under the Resource Equalizer Formula, as provided in Chapter 122, Article 18-9.9(h) of the School Code, and whose Title I Chapter 1 weighted average daily attendance (WADA) is 10-000 or more between 1,000 and 50,000, shall annually prior to August 15 file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 201. (Disadvantaged Students Funds Plan - Districts Between 1,000 and 50,000 ADA) issued by the State Board of Education.

- il) Each school district whose Chapter 1 weighted average daily attendance (WADA) is 50,000 or more, shall annually file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 202 (Disadvantaged Students Funds Plan - Districts over 50,000 ADA).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

Section 1.280 Discipline

Section 24-24 of The School Code states that teachers and other certificated educational employees shall maintain discipline in the schools.

- a) To prevent misuse of this broad concept as set out in Section 24-24 of The School Code, the district shall comply with the following subsections of this Section.
- b) If corporal punishment is to be used by school districts as a penalty for misbehavior, the district shall notify parents upon initial enrollment of the student that they may submit a written request that corporal punishment not be administered to their child or children.
- c) THE BOARD OF EDUCATION SHALL ESTABLISH AND MAINTAIN A PARENT-TEACHER ADVISORY COMMITTEE TO DEVELOP WITH THE SCHOOL BOARD POLICY GUIDELINES ON PUPIL DISCIPLINE, SHALL FURNISH A COPY OF THE POLICY TO THE PARENTS OR GUARDIAN OF EACH PUPIL WITHIN 15 DAYS AFTER THE BEGINNING OF THE SCHOOL YEAR, OR WITHIN 15 DAYS AFTER STARTING CLASSES FOR A PUPIL WHO TRANSFERS INTO THE DISTRICT DURING THE SCHOOL YEAR, AND SHALL REQUIRE THAT EACH SCHOOL INFORM ITS PUPILS OF THE

ILLINOIS REGISTER
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

CONTENTS OF ITS POLICY (Section 10-20.14 of The School Code).

- d) THE BOARD OF EDUCATION MUST ESTABLISH A WRITTEN POLICY ON DISCIPLINE, AND THE POLICY SO ESTABLISHED MUST PROVIDE THAT A TEACHER MAY USE REASONABLE FORCE AS NEEDED TO MAINTAIN SAFETY FOR THE OTHER STUDENTS AND MAY REMOVE A STUDENT FROM THE CLASSROOM FOR DISRUPTIVE BEHAVIOR AND MUST INCLUDE PROVISIONS WHICH PROVIDE DUE PROCESS TO STUDENTS (Section 24-24 of The School Code).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

Section 1.290 Absenteeism and Truancy Policies

a) Definitions

- 1) "Valid Cause" for absence means ILLNESS, OBSERVANCE OF A RELIGIOUS HOLIDAY, DEATH IN THE IMMEDIATE FAMILY AS DEFINED IN SECTION 24-6 OF THE SCHOOL CODE (Ill. Rev. Stat. 1989, ch. 122, par. 24-6) but also including aunts and uncles of the affected student, FAMILY EMERGENCY, AND SHALL INCLUDE SUCH OTHER SITUATIONS BEYOND THE CONTROL OF THE STUDENT AS DETERMINED BY THE BOARD OF EDUCATION IN EACH DISTRICT, OR SUCH OTHER CIRCUMSTANCES WHICH CAUSE REASONABLE CONCERN TO THE PARENT FOR THE SAFETY OR HEALTH OF THE STUDENT (Ill. Rev. Stat. 1980-Suppt 1989, ch. 122, par. 26-2a) as attested by a letter signed by such parent and approved or disapproved by the board of education in each school district.

- 2) "Truant" means a child who is SUBJECT TO COMPULSORY SCHOOL ATTENDANCE AND WHO IS ABSENT WITHOUT VALID CAUSE FOR A SCHOOL DAY OR PORTION THEREOF (Ill. Rev. Stat. 1980-Suppt 1989, ch. 122, par. 26-2a).

- 3) "Chronic or Habitual Truant" means a CHILD SUBJECT TO COMPULSORY SCHOOL ATTENDANCE AND WHO IS ABSENT WITHOUT VALID CAUSE FROM SUCH ATTENDANCE FOR 10% OR MORE OF THE PREVIOUS 180 REGULAR ATTENDANCE DAYS (Ill. Rev. Stat. 1980-Suppt 1989, ch. 122, par. 26-2a).

- 4) "Truant Minor" means a child who is a CHRONIC TRUANT TO WHOM SUPPORTIVE SERVICES, INCLUDING PREVENTION, DIAGNOSTIC, INTERVENTION AND REMEDIAL SERVICES, ALTERNATIVE PROGRAMS AND OTHER SCHOOL AND COMMUNITY RESOURCES HAVE BEEN PROVIDED AND HAVE FAILED TO RESULT

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

IN THE CESSATION OF CHRONIC TRUANCY, OR HAVE BEEN OFFERED AND REFUSED (Ill. Rev. Stat. 1980-Supp. 1989, ch. 122, par. 26-2a).

b) Purpose

This Section establishes guidelines and criteria required by Section 26-13 of The School Code (Ill. Rev. Stat. 1980-Supp. 1989, ch. 122, par. 26-13), which provides that SCHOOL DISTRICTS SHALL ADOPT ABSENTEEISM AND TRUANCY POLICIES IDENTIFYING APPROPRIATE SUPPORTIVE SERVICES AND AVAILABLE RESOURCES FOR TRUANTS AND CHRONIC TRUANTS.

c) Content of Policies

Each school district shall develop an absenteeism and truancy policy including at least the following elements:

- 1) A definition of a valid cause for absence in accordance with Section 26-2a of The School Code;
- 2) A description of diagnostic procedures to be used for identifying the cause(s) of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her parent(s) or guardian(s), and any school official(s) or other parties who may have information about the reasons for the student's attendance problem; and
- 3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.
- d) Punitive action taken against a student for truancy shall be limited by the provisions of Section 26-12 of The School Code (Ill. Rev. Stat. 1980-Supp. 1989, ch. 122, par. 26-12).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.320 Duties

- a) The superintendent shall have charge of administration of the schools under the direction of the board of education. Section 10-21.4 and Section 34-8 of The School Code detail the duties and responsibilities of the superintendent. The superintendent shall make recommendations for the detailed management of the educational program and the business affairs of the district and shall conduct the school business in accordance with policies established by the board of education.

- b) The principal shall assume administrative responsibilities and instructional leadership under the supervision of the superintendent and in accordance with reasonable rules and regulations of the board of education for the planning, operation and evaluation of the educational program of the attendance area to which the principal is assigned. Section 10-21.4a and Section 34-8.1 of The School Code detail those administrative responsibilities which the principal shall perform.

- c) SCHOOL BOARDS SHALL SPECIFY IN THEIR FORMAL JOB DESCRIPTION FOR PRINCIPALS THAT HIS OR HER PRIMARY RESPONSIBILITY IS IN THE IMPROVEMENT OF INSTRUCTION. A MAJORITY OF THE TIME SPENT BY A PRINCIPAL SHALL BE SPENT ON CURRICULUM AND STAFF DEVELOPMENT THROUGH BOTH FORMAL AND INFORMAL ACTIVITIES, such as planned inservice training and ad hoc or individual consultations, respectively, AND ESTABLISHING CLEAR LINES OF COMMUNICATION WITH PARENTS AND TEACHERS REGARDING SCHOOL GOALS, ACCOMPLISHMENTS, PRACTICES AND POLICIES.

- d) When conducting evaluations pursuant to 23 Ill. Adm. Code 50 (Evaluation Evaluation of Certified School District Employees in Contractual Continued Service), SCHOOL BOARDS SHALL ENSURE THAT THEIR PRINCIPALS ARE EVALUATED ON THEIR INSTRUCTIONAL LEADERSHIP ABILITY AND THEIR ABILITY TO MAINTAIN A POSITIVE EDUCATION AND LEARNING CLIMATE (Sections 10-21.4a and 34-8.1 of The School Code).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the state.

c) Every school district shall make provisions for students of different talents, intellectual capacities, and interests.

d) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships between with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

e) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

f) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

g) The School Code, in Sections 10-19 and 18-8, specifies certain measures relative to the school day. Any deviation from Section 18-8 of The School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of schoolwork each day with the following exceptions.

1) Four clock-hours may be counted as a day of attendance for full-day kindergarten and first-grade pupils.

2) TWO OR MORE CLOCK-HOURS MAY BE COUNTED AS A HALF-DAY OF ATTENDANCE BY PUPILS IN HALF-DAY KINDERGARTEN PROGRAMS. HOWEVER, SUCH KINDERGARTENS MAY COUNT TWO AND ONE-HALF DAYS OF ATTENDANCE IN ANY FIVE CONSECUTIVE SCHOOL DAYS. WHERE A PUPIL ATTENDS SUCH A KINDERGARTEN FOR TWO HALF-DAYS ON ANY ONE SCHOOL DAY, SUCH PUPIL SHALL HAVE THE

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

FOLLOWING DAY AS A DAY ABSENT FROM SCHOOL, UNLESS THE SCHOOL SYSTEM OBTAINS PERMISSION IN WRITING FROM THE STATE SUPERINTENDENT OF EDUCATION. Approval will be granted pursuant to the provisions of subsection (f)(5)(A) of this Section.

3) One clock-hour may count as one half-day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.

4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.

5) Opening and Closing of School Term - Approval of Days of Attendance of Four or More Clock-Hours

A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term, and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers' workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis of the present facilities being inadequate to house a normal program.)

B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent of Education upon certification of the district's plans by the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock-hours. Requests for extensions shall be made by

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

the district annually prior to the opening of school.

- 6) A session of three or more clock-hours up to a maximum of five half-days per school year may be counted as a full day of attendance when the remainder of the day is utilized for an inservice training program for teachers. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of allowable half-days by two. In either instance, the programs shall have prior approval on forms supplied by the State Board of Education.

- 7) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.

- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.

- C) All teachers must hold certificates which are registered with the Educational Service Region Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.

- 8) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.

g) Length of School Term

- 1) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8 of The School Code. Any days allowed by law for a teachers' institute but not used as such shall increase the minimum term by the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

school days not so used. Except as provided in Section 10-19.1 of The School Code, the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension, school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this section.

- 2) Nothing in this section prevents the board from employing superintendents of schools, principals, and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8 of The School Code, or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 10-19 of The School Code).

- 3) Every school district should adopt a process of evaluation which will measure progress toward accomplishing its instructional goals.

- 4) Every school district should make provisions for continuity and articulation of its programs from level-to-level and course-to-course. The central goal of such articulation should be the provision of programs adapted to the individual student's needs and abilities.

- 5) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a, and 10-22.18 of The School Code).

- 6) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 7) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g. health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

i) # Career Education

- 1) The educational system shall provide every student with opportunities to prepare themselves for entry into the world of work.
- 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) m) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.
- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) n) Consumer Education and Protection

- 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

- 2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Ill. Rev. Stat. 1987 1989, ch. 122, par. 27-12.1) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

- 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

l) o) Conservation of Natural Resources

- 1) IN EVERY PUBLIC SCHOOL DISTRICT THERE SHALL BE INSTRUCTION, STUDY AND DISCUSSION OF CURRENT PROBLEMS AND NEEDS IN THE CONSERVATION OF NATURAL RESOURCES, INCLUDING, BUT NOT LIMITED TO, AIR POLLUTION, WATER POLLUTION, WASTE REDUCTION AND RECYCLING. THE EFFECT OF EXCESSIVE USE OF PESTICIDES, PRESERVATION OF WILDERNESS AREAS, FOREST MANAGEMENT, PROTECTION OF WILDLIFE, AND HUMANE CARE OF DOMESTIC ANIMALS. (Section 27-13.1 of The School Code)

- 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

ml **p†** Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, state, national and international concern.

nl **q†** Health Education
Each school system shall be in compliance with 23 Ill. Adm. Code 253 (Comprehensive Health Education) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1987 1989, ch. 122, par. 861 et seq.).

†† The health education program shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools:--human ecology and health; human growth and development; prevention and control of disease; public and environmental health; consumer health; safety education and disaster survival; mental health and fitness; personal health habits; alcohol; drug use and abuse; tobacco; nutrition; and dental health.

1l **2†** There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

2l **3†** The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

3l **4†** The minimal time allocation shall not be less than one semester or equivalent in grade 9 or 10 during the high secondary school experience.

ol **r†** Media Programs
Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Standards for Educational Media Programs in Illinois Recommended Standards for Educational Library Media Programs" (Revised 1972 1986) is suggested as a guide for program development.

s† Metric Education

Every school system shall provide measurement instruction based upon the international system of units in those subject matter areas which include measurement activities.

Physical Education

1) Appropriate activity related to physical education shall be required of all students each day (The School Code, Section 27-6). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

4) THE PHYSICAL EDUCATION AND TRAINING COURSE OFFERED IN GRADES 9 AND 10 MAY INCLUDE HEALTH EDUCATION. (Section 27-5 of The School Code)

5) SPECIAL ACTIVITIES IN PHYSICAL EDUCATION SHALL BE PROVIDED FOR PUPILS WHOSE PHYSICAL OR EMOTIONAL CONDITION, AS DETERMINED BY A PERSON LICENSED UNDER THE MEDICAL PRACTICE ACT (ILL. REV. STAT. 1987 1989, CH. 111, PAR. 4401 ET SEQ.), PREVENTS THEIR PARTICIPATION IN THE COURSES PROVIDED FOR NORMAL CHILDREN. Section 27-6 of The School Code.

6) Each school board which chooses to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses as provided in Section 27-6(b) of The School Code (Ill. Rev. Stat. 1980-Supp. 1982, ch. 122, par. 27-6(b)) shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances (i.e., plans for postsecondary education, participation in

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

90

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

interscholastic sports, or enrollment in a class required for graduation).

g) w+ Pupil Personnel Services

To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

v+ Every-school-district-has-the-responsibility-to-prepare students-to-read-and-communicate-effectively.

rL w+ Social Studies and History

Each school system shall provide history and social studies courses which do the following: analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and presently do relate in actual practice in our world. The teaching of history of the United States shall include a study of the role and contributions of ethnic groups in the history of this country and the state, and the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system. (Section 27-21 of The School Code). The course of study shall also include the study of the period in world history known as the Holocaust. (Section 27-20.3 of The School Code).

sL w+ Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories. (Section 698.11 of The School Code)

tL w+ IN EVERY PUBLIC SCHOOL THERE SHALL BE INSTRUCTION, STUDY AND DISCUSSION OF EFFECTIVE METHODS BY WHICH PUPILS MAY RECOGNIZE THE DANGER OF AND AVOID ABDUCTION. SUCH REQUIRED INSTRUCTION, STUDY AND DISCUSSION MAY BE INCLUDED IN THE

COURSES OF STUDY REGULARLY TAUGHT IN THE SCHOOLS. IN GRADES KINDERGARTEN THROUGH 8, SUCH REQUIRED INSTRUCTION MUST BE GIVEN EACH YEAR TO ALL PUPILS IN THOSE GRADES (Section 27-13.2 of The School Code).

uL SCHOOL DISTRICTS SHALL PROVIDE INSTRUCTION IN RELATION TO THE PREVENTION OF ABUSE OF ANABOLIC STEROIDS IN GRADES 7 THROUGH 12 AND SHALL INCLUDE INSTRUCTION IN SCIENCE, HEALTH, DRUG ABUSE, PHYSICAL EDUCATION OR OTHER APPROPRIATE COURSES OF STUDY. SUCH INSTRUCTION SHALL EMPHASIZE THAT THE USE OF ANABOLIC STEROIDS PRESENTS A SERIOUS HEALTH HAZARD TO PERSONS WHO USE STEROIDS TO ENHANCE ATHLETIC PERFORMANCE OF PHYSICAL DEVELOPMENT. (Section 27-23.3 of The School Code).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

Section 1.430 Additional Criteria for Elementary Schools

a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by The School Code or regulations, is the option of the local board of education.

- 1) Language Arts, Reading and other Communication Skills
- 2) Science
- 3) Mathematics
- 4) Social Studies
- 5) Music
- 6) Art
- 7) Health Education, one semester or equivalent at the junior high level (Ill. Rev. Stat. 1987 1989, ch. 122, par. 861 et seq.).
- 8) Physical Education, daily except-as-provided-in subsection-(a) (7)-of-this-Section (Section 27-6 of The School Code).
- 9) Career Education--Awareness and Exploration
- 10) Safety Education, one hour per week (Section 27-17 of The School Code).

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 11) Conservation of Natural Resources (Section 27-13.1 of The School Code).

tenth grade--{Section-27-5-of-The-School-Code} during the secondary school experience.

- 12) INSTRUCTION, STUDY, AND DISCUSSION IN GRADES KINDERGARTEN THROUGH 8 OF EFFECTIVE METHODS FOR THE PREVENTION AND AVOIDANCE OF DRUG AND SUBSTANCE ABUSE (Section 27-13.2 of The School Code).

- 10) Physical Education, daily except as provided in subsection (a)(9) of this Section (Section 27-6 of The School Code).

- b) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent (Sections 27-3 and 27-4 of The School Code). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

- 11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 10-12 except for students who have demonstrated proficiency pursuant to the provisions of Section 27-12.1 of The School Code.

- 12) Conservation of Natural Resources (Section 27-13.1 of The School Code).

- 13) Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours of behind the wheel--grades 10, 11, and 12 (Section 27-23 of The School Code).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

- 14) Vocational Education--Job Entry Skill Development

Section 1.440 Additional Criteria for High Schools

- a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by The School Code or regulations, is the option of the local school district.

- b) The daily program should be organized so as to afford each student easy access to the instructional materials center, the counselor, program of extracurricular activities, and teacher-student conferences.

- c) No teacher should have more than five different preparations.

- d) Each teacher should have time to conduct student conferences and plan for instructional programs.

- e) Driver Education and Safety

- 1) History of the United States, one unit

- 1) School districts maintaining grades 9-12 shall provide instruction in compliance with Sections 27-23 and 27-24 of The School Code and 23 Ill. Adm. Code 252 (Driver Education).

- 5) Foreign Language

- 6) Music

- 7) Art

- 8) Career Education--Orientation and Preparation

- 2) Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice driving in a dual control car. Eight clock-hours of instruction on a multiple car range may be allowed in lieu of four clock-hours of instruction in a dual control car, and twelve clock-hours of instruction in driving simulators may be allowed in

- 9) Health Education, students must take one semester or equivalent, i.e., at least eighteen weeks, in ninth-or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

lieu of three clock-hours of instruction in a dual control car if prior approval is obtained.

- 3) Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.

- 4) Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.

- f) Specific minimum requirements for graduation applicable to students who entered the 9th grade prior to September 1984 are listed below.

- 1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.

- 2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one-half unit may be in oral communication.

- 3) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject (Sections 27-3 and 27-4 of The School Code). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

- 4) In addition to the foregoing, all graduates are required by law to have had adequate instruction in honesty, justice, moral courage, humane education, safety education, and others mandated in Section 27-15 of The School Code.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- g) Pursuant to Ill. Rev. Stat. #987 1982, ch. 122, par. 27-22, students who enter the 9th grade in September 1984, and thereafter, except handicapped students whose course of study is determined by an individualized education program, must successfully complete the following courses as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection (f) above and any requirements imposed by the local school district.

- 1) THREE YEARS OF LANGUAGE ARTS;

- 2) TWO YEARS OF MATHEMATICS, ONE OF WHICH MAY BE RELATED TO COMPUTER TECHNOLOGY;

- 3) ONE YEAR OF SCIENCE;

- 4) TWO YEARS OF SOCIAL STUDIES, OF WHICH AT LEAST ONE YEAR MUST BE HISTORY OF THE UNITED STATES OR A COMBINATION OF HISTORY OF THE UNITED STATES AND AMERICAN GOVERNMENT; AND

- 5) ONE YEAR CHOSEN FROM

A) MUSIC,

B) ART,

C) FOREIGN LANGUAGE, WHICH SHALL INCLUDE AMERICAN SIGN LANGUAGE, OR

D) VOCATIONAL EDUCATION.

- h) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the graduation requirements set forth in subsection (g), provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

- i) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

AGENCY-NOTE: Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section 1.630 Noncertificated Personnel

a) School boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils (The School Code, Sections 10-22.34 and 34-18(9)).

b) Teacher Aides

1) School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities (The School Code, Section 10-22.34 and 34-18(9)).

2) Teacher aides, except in school districts over 500,000, shall hold an approval form issued by the State Teacher Certification Board. Approval is based upon 30 semester hours of college training or completion of an approved Teacher Aide Program as stated in 23 Ill. Adm. Code 257 (Certification) of teachers.

c) School boards may designate noncertificated persons of good character to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis for school activities not connected with the academic program of the schools (The School Code, Section 10-22.34a).

d) School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (The School Code, Section 10-22.34b).

b) Art

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

e) Needed and necessary noncertificated personnel in special education programs under contract to the local board of education shall be governed by 23 Ill. Adm. Code 2267 (Special Education).

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

Section 1.640 Requirements for Different Certificates

Requirements for the different types of certificates may be secured from the regional superintendents or the State Teacher Certification Board, 100 North First Street, Springfield, Illinois 62777-0001. Individuals interested in elementary-and-secondary-education-positions in-Chicago-should-contact-the-Chicago-Board-of-Education-228-North LaSalle-Street-7-Chicago-Illinois-60601.

(Source: Amended at Ill. Reg. 12457, effective 7/24/90)

SUBPART G: STAFF QUALIFICATIONS

Section 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above

a) Agriculture

The requirements set forth in this subsection (a) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(a) shall take effect.

1) 24 hours in the field, including an appropriate distribution in the following areas, plus preparation in the specific course taught.

- A) Agricultural Production
- B) Agricultural Mechanics
- C) Agricultural Supplies, Services and Products
- D) Horticulture
- E) Agricultural Resources and Forestry

2) If special courses are taught in this field, 8 semester hours are required for each course taught.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

24 semester hours in the field, including an appropriate distribution in:

- 1) Painting, drawing, printmaking
- 2) Sketching, lettering, jewelry, design, silkscreen
- 3) Pottery and sculpture
- 4) Constructional design
- 5) Art education
- 6) History and appreciation of art

c) Aviation-Aerospace Education

- 1) General Aviation and/or Aerospace Education
 - A) Completion of an approved aerospace education workshop course. 5 hours of flight orientation or familiarization within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.
 - B) If the material that is being taught is strictly sociological in nature, the flight orientation requirement may be minimal. If the material that is being taught emphasizes astrosience, the teacher should have at least one college course in astronomy.

2) Aviation Science Course

- A) (Based upon a preflight course leading to completion of the FAA private pilot's written examination.)
- B) A valid FAA private pilot's license or higher, or a valid FAA ground school instructor's certificate and 10 hours of flight orientation or familiarization in the general aviation category aircraft within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

d) Business Education

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) The requirements set forth in this subsection (d) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(b) shall take effect.

2) 24 semester hours in the field, which shall include a specialized methods course with the following minimum qualifications for the subject matter areas or course taught:

A) 3) Typing

6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the typewriting sequence.

B) 2) Shorthand and Transcription

6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the shorthand-transcription sequence.

C) 3) Bookkeeping, accounting, record keeping

6 semester hours in accounting and a course in data processing, or a statement of equivalency from the institution granting the degree.

D) 4) Business law

3 semester hours of business law.

E) 5) Distributive subjects; i.e. marketing, retailing, distributive education

8 semester hours covering at least two of the following: sales, retailing, advertising, principles of marketing.

F) 6) Business arithmetic

2 semester hours in business mathematics or 6 semester hours in accounting.

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- GL 7+ Office practice, secretarial practice, clerical practice, or office machines
- 2 semester hours in coursework which includes the operation of the office machines taught in the secondary school course and qualifications for teaching whichever of the following is part of the course: typewriting, shorthand, bookkeeping (see subsections (d) (1), (2), and (3) above).
- HL 8+ Basic business, general business, introduction to business, business principles
- 3 semester hours of consumer education; 3 semester hours of economics and at least 4 semester hours in any two of the following areas: business law, introduction to business marketing, management, or a methods of teaching basic business.
- IL 9+ Business English
- 2 semester hours in business English, business correspondence, business communications, or business writing.
- JL 10+ Business economics
- 8 semester hours in the area of economics, finance, financial management, or marketing, including at least one course in principles of economics.
- KL 11+ Data processing
- 5 semester hours in data processing or the equivalent.
- e) Language Arts--English
- 24 semester hours in the field, including 6 semester hours in rhetoric and composition and not more than 8 semester hours in speech and journalism. To teach grammar, American Literature, English Literature, reading or dramatics, the English teacher must have one course in the subject.

f) Journalism

- 8 semester hours in journalism and 16 semester hours in English, or 18 semester hours in journalism and 6 semester hours in rhetoric and composition.
- g) Speech
- 8 semester hours in speech selected from at least three of the following four areas: public speaking, interpersonal communication, oral interpretation, and group discussion; and 16 semester hours in English or 18 semester hours in speech, selected from the four areas listed above, and 6 semester hours in rhetoric and composition.
- h) Foreign Language
- 20 semester hours in the language.
- AGENCY NOTE: No credit may be allowed for high school language, unless such credit is approved by an institution of higher learning, and it is noted on the official transcript, in which case 1 semester hour may be allowed for each unit of high school language, not to exceed 4 semester hours.
- i) Health Education
- 1) 20 semester hours in the field
- 2) Required Health Education Component -- One course from each of the following areas to total 10-14 semester hours:
- A) Advanced Concepts of Health
 - B) Programs in School Health
 - C) Programs in Community Health
 - D) Curriculum Development and Evaluation in Health Education
- 3) Additional Health Education Components-- One course from at least three of the following areas to total 6-10 semester hours:
- A) The Growing and Developing Organism
 - B) Ecological Relationships

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) Disease Control
- D) Human Sexuality and Family Life
- E) Food Practices and Eating Patterns
- F) Consumer Health Sources and Resources
- G) Safety
- H) Mood-Modifying Substances
- I) Personal Health Practices
- J) Mental-Emotional Health

j) Health Occupations

The requirements set forth in this subsection (j) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(c) shall take effect.

- 1) 24 semester hours in a health occupations specialty (e.g. medical laboratory, nursing, radiologic technology, inhalation therapy)
- 2) Graduation from an approved technical-level program in a specific health field with a minimum of 2,000 hours of post-graduate practical work experience in the health specialty in which trained.

3) AGENCY-NOTE: Shall be certified, licensed or registered in the health occupations specialty.

k) Home Economics Education

The requirements set forth in this subsection (k) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(d) shall take effect.

- 1) 24 semester hours in the field, including work in some of the following areas, plus preparation in the specific teaching area.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) Human Development (includes prenatal, child, adolescent and adult development and care)
- B) Interpersonal and Family Relationships
- C) Consumer Education and Home Management
- D) Nutrition and Food
- E) Housing, Home Furnishings and Equipment
- F) Clothing and Textiles

- 2) To teach a special course in any of the above areas, 8 semester hours are required in the area to be taught.

1) Industrial Arts

The requirements set forth in this subsection (1) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(e) shall take effect.

- 1) 24 semester hours in the field, including work in each shop subject to be taught.
- 2) To teach a unit shop, the teacher shall have 8 semester hours in the subject taught.

m) Mathematics

- 1) In grades 9-12

25 semester hours in the field, including:

- A) a minimum of 8 semester hours from calculus,
- B) 3 semester hours of coursework in the teaching of secondary school mathematics; and
- C) 14 semester hours of work from at least four of the following areas:

- i) Computer Science
- ii) Linear Algebra
- iii) Modern Algebra

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- iv) Geometry
 - v) Applied mathematics
 - vi) Probability and statistics
 - vii) History of mathematics
- 2) In grades 6-8
- 18 semester hours in the field including:
- A) 3 semester hours in the methods of teaching mathematics in grades 6-8
 - B) 15 semester hours to be selected from four of the following areas:
 - i) Math content courses for elementary teachers
 - ii) Calculus
 - iii) Modern algebra or number theory
 - iv) Geometry
 - v) Computer Science
 - vi) Probability and statistics
 - vii) History of mathematics
- 3) The requirements of Section 1.730 (m) are not applicable to personnel employed prior to September 1, 1985.
- n) Music
- 1) Vocal
- 24 semester hours in the field, including:
- A) Applied vocal music
 - B) Music theory

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) Conducting
 - D) History of music
 - E) Methods and materials for general school vocal music
- 2) Music--Instrumental
- 24 semester hours in the field, including:
- A) Applied instrumental music
 - B) Music theory
 - C) Conducting
 - D) Methods and materials for general school instrumental music
- 3) ~~ANNEX-NOTE:~~ These standards do not apply to those individuals employed prior to September 1, 1978.
- o) Physical Education
 - 1) 20 semester hours in the field which shall include the following:
 - A) 5 semester hours to be selected from at least two of these areas:
 - i) Anatomy
 - ii) Physiology
 - iii) Kinesiology
 - iv) Physiology of exercise
 - B) One course from each of the three areas below to total 5 semester hours:
 - i) Dance and/or rhythmic activities
 - ii) Individual-dual activities
 - iii) Team sports

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) 10 semester hours to be selected from at least three of the four areas listed below:
- i) Instructional methods for physical education
 - ii) Curriculum design for physical education
 - iii) Physical Education for the atypical child (optional, but strongly recommended)
 - iv) Physical education for the elementary school (required for elementary school; optional, but strongly recommended for secondary school)
- 2) This standard does not apply to those individuals employed prior to September 1, 1978.
- p) Psychology--20 semester hours in the field
- q) Safety and Driver Education--16 semester hours in the field, including preparation as follows:
- 1) 3 semester hours in general safety
 - 2) 5 semester hours in driver education and advanced traffic safety
 - 3) 8 semester hours chosen from two or more of the following areas:
 - A) General safety, including traffic and industrial safety
 - B) Advanced psychology and sociology
 - C) First aid and health education
 - D) Instructional materials
 - 4) Teachers assigned to either simulation or multiple-car programs shall have preparation in the use of these methods which shall consist of a minimum of 1 semester hour or its equivalent in each area.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- r) Science, Biological--24 semester hours in the field, including the semester hours indicated in the subject to be taught
- 1) Biology
 - 8 semester hours in botany including 5 semester hours in laboratory work, 8 semester hours in zoology including 5 semester hours in laboratory work.
- AGENCY-NOTE:** 10 semester hours laboratory work in biology satisfies the laboratory requirement.
- 2) Botany
 - 8 semester hours including 5 semester hours in laboratory work.
 - 3) Physiology
 - 8 semester hours
 - 4) Zoology
 - 8 semester hours in zoology including 5 semester hours in laboratory work.
 - s) Science, Physical--24 semester hours in the field, including the semester hours indicated in the subject to be taught:
 - 1) Astronomy--5 semester hours
 - 2) Chemistry--10 semester hours including 4 semester hours in laboratory work
 - 3) Geology--8 semester hours
 - 4) Physics--10 semester hours including 4 semester hours in laboratory work
 - 5) Physiology--5 semester hours
 - 6) Aerospace--5 semester hours
 - 7) Earth science--8 semester hours
 - 8) **AGENCY-NOTE:** In astronomy, geology, and earth science, it is recommended that field experiences be included as part of

NOTICE OF ADOPTED AMENDMENTS

the hourly requirements. In addition, it is recommended that a teacher of astronomy, chemistry, or physics have the minimum preparation required of a mathematics teacher.

t) Science, General--24 semester hours in the field including:

- 1) Physical science--8 semester hours
- 2) Biological science--8 semester hours

u) Social Studies--24 semester hours in the field, including the semester hours indicated in each subject to be taught:

- 1) United States History--8 semester hours
- 2) Civics, Political Science--8 semester hours
- 3) Economics--8 semester hours
- 4) Geography--8 semester hours
- 5) Sociology--8 semester hours

6) World History--8 semester hours in World History, 5 semester hours in U.S. History

7) Anthropology--5 semester hours

8) ~~AGENCY-NOTE~~ Every history teacher shall have 16 semester hours in history.

v) Vocational Education (Reimbursable Training Programs)--All instructional personnel and coordinators shall hold a valid teaching certificate. The requirements set forth in this subsection (v) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(f) shall take effect.

1) Instructional Personnel--The requirements for instructional personnel in reimbursable programs in the five areas of Industrial-Oriented, Applied Biological and Agricultural, Home Economics, Health Occupations, and Business, Marketing and Management are:

A) A minimum of 2,000 hours of employment experiences in the occupational specialty to be taught.

NOTICE OF ADOPTED AMENDMENTS

B) The district may employ an individual who does not meet the provisions of subsection (v) (1) ~~of~~ (A), providing the employment experience requirement will be met within four (4) years from the date of employment by: 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. Options of this paragraph must be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.

C) For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is mandated.

2) Cooperative Teacher Coordinator

Professional competencies for specialized cooperative occupational education:

A) Occupational Education

Teacher-coordinators of specialized cooperative education in any one of the following areas:

- i) Agriculture and Agri-Business
- ii) Business and Office
- iii) Distributive Education
- iv) Health Occupations
- v) Home Economics and Related Occupations
- vi) Industrial Oriented Occupations Cooperative Work Training

B) To be approved, an individual shall possess 16 semester hours in the field, which shall include a methods course in the occupational specialized area; in addition, 6 semester hours in the area of organization and administration of cooperative occupational education, coordination in techniques, and individualized instructional methodology. In addition, the coordinator shall possess a minimum of: 2,000 hours of employment

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

experience in the occupational specialty to be taught, or complete a directed occupational experience in the appropriate specialized area, equivalent to the 2,000 hour employment requirement, or complete a combination of employment experience and directed occupational experience equivalent to the 2,000 hour employment experience requirement within four (4) years from date of initial employment as a coordinator. The latter two of these three options shall be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.

3) Special Needs Cooperative Teacher Coordinator

In schools with cooperative courses to serve students with special needs, such as Work Experience and Career Exploration Program, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (v)(2) (except that the 16 semester hours in occupational education shall be waived).

4) Interrelated Cooperative Occupational Teacher Coordinator

Coordinators of interrelated cooperative education shall meet certification standards in at least one of the occupation areas listed above and meet the requirement of subsection (v)(2).

5) Compliance with Legal, Governmental and Professional Requirements

For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.

6) ~~AGENCY-NOTE:~~ The requirements of subsection (v) are not applicable to personnel employed prior to September 1, 1978.

(Source: Amended at Ill. Reg. 12457, effective 7/24/90)

Section 1.735 Requirements to Take Effect on July 1, 1991

The requirements of this Section shall apply only to personnel employed on or after July 1, 1991. For the purposes of this Section,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

the term "upper-division level" refers to coursework normally offered to students by postsecondary educational institutions during their junior or senior year. The term "preparation level" means courses usually taught during the junior or senior year of high school.

a) Agricultural Education

1) Twenty-four (24) semester hours, to include:

- A) A vocational/occupational education methods course at the upper-division level.
- B) Twelve (12) semester hours, including at least one course in each of the following areas:

- i) Agricultural Exploration/Orientation - agricultural careers, supervised occupational experience programs, adult education in agriculture, agricultural leadership;
- ii) Agricultural Entrepreneurship - agricultural merchandising, agricultural business procedures, agricultural economics, computer applications in agriculture;
- iii) Agricultural Natural Sciences - animal science, plant science, soil science;
- iv) Agricultural Physical Science/Mechanization - servicing small engines, surveying, electrical wiring, building agricultural structures.

C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (a)(1)(B)) in one of the following endorsement areas:

- i) Agricultural Business and Management - agricultural commodity and product marketing, financing agricultural businesses, agricultural business management, computerization in agriculture, producing, processing, promoting and selling agricultural products;
- ii) Agricultural Power and Machinery - gasoline and diesel power units, field machinery.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

electric motors and controls, hydraulic systems, power transmission systems;

iii) Horticulture - floriculture, vegetable and fruit production, landscaping and turf management, nursery and greenhouse operation and management; or

iv) Agricultural Resources - agricultural conservation, recreation management, forestry production and management, game and wildlife management.

2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

b) Business, Marketing, and Management

1) Twenty-four (24) semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) Twelve (12) semester hours, including at least one course in each of the following areas:

i) Business Exploration/Orientation - business management, survey of business, business and its environment, business principles;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

ii) Business Computer Applications - microcomputer applications, data processing, management information systems, introduction to data processing/computers;

iii) Business Communications - business English, business communications, business report writing, business correspondence;

iv) Business Mathematics - quantitative methods of business, finance, mathematics for business, statistics or one (1) year of college mathematics.

C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (b)(1)(B)) in one of the following endorsement areas:

i) Accounting - accounting, financial accounting, managerial accounting, or finance, with one course in the upper division;

ii) Basic Business - economics, survey of business, business law, entrepreneurship, consumer education or upper-division course(s) in management and/or marketing;

iii) Information Processing - microcomputer applications, introduction to computers, including the terminal course in the word processing and/or typewriting sequence, and one upper-division course in office administration/information management;

iv) Information Processing/Secretarial - microcomputer applications, introduction to computers including one upper-division course in office administration/information management, the terminal course in the word processing and/or typewriting sequence and the terminal course in a shorthand system;

v) Business Computer Programming/Systems - business computer programming, microcomputer applications, systems analysis, including one upper-division management information system

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(MIS), systems analysis, or business computer programming course; or

- vi) Marketing - upper-division courses in advertising, sales, retailing, marketing, wholesaling, consumer behavior, entrepreneurship.

- 2) Business, Marketing and Management teachers who hold a Business, Marketing and Management endorsement may teach an orientation/exploratory composite course which addresses a variety of subject areas in Business, Marketing and Management Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (b)(1)(C).

- 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

c) Health Occupations

Twenty-four (24) semester hours, to include:

- 1) A vocational/occupational education methods course at the upper-division level.
- 2) Twelve (12) semester hours, including at least one course in each of the following areas:

- A) Introduction to Health Occupations - introduction to various health professions, education requirements, licensure/registration/certification, career

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

mobility, job market, technologies and other information;

- B) Principles and Philosophies of Vocational Education - nature and purpose of vocational, occupational and career education, their relationships and differences, and the place of each in preparing for the world of work;
- C) Occupational Analysis and Curriculum Development - upper-division course in a systems approach to curriculum development and instruction methods utilized in vocational and occupational education. Includes analyzing operations and jobs, specifying objectives, and developing curriculum;
- D) Occupational Internship - upper-division course(s) of experiential activities which are based upon required occupational skills and knowledge and are related to health occupations.

3) Endorsement

- A) In addition to the 12 semester hours listed in subsection (c)(2), licensure, registration or certification is required in one health occupations specialty, e.g., respiratory therapy, radiology, medical records technology, medical assisting, nursing or other health occupation.

- B) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

NOTICE OF ADOPTED AMENDMENTS

d) Home Economics

- 1) Twenty-four (24) semester hours, to include:
 - A) A vocational/occupational education methods course at the upper-division level.
 - B) Twelve (12) semester hours, to include one course in four of the six following areas:
 - i) Human Development, Child Development - human, prenatal, child, adolescent growth and development and care, adult care, gerontology, administration of child care programs, instructional activities and materials for preschoolers;
 - ii) Interpersonal and Family Relationships and Parenting - interpersonal and family relationships, family life, adult living, family dynamics, parenting, human relationships;
 - iii) Consumer and Resource Management - family finance, consumer education, consumer economics, consumer management, resource management, home management;
 - iv) Housing, Interior Furnishings, Living Environments - home furnishings, interior design, household equipment, basic design, living environments, housing;
 - v) Food and Nutrition, Food Service, Hospitality - foods and nutrition, food preparation, quantity food preparation, food sanitation, hospitality management, food management, therapeutic nutrition;
 - vi) Clothing, Textiles, Fashion - clothing selection, clothing construction, costume design, history of fashion, apparel merchandising, textiles selection.
- C) A minimum of one concentration (9 semester hours in addition to the 12 hours listed in subsection (d)(1)(B)) in the endorsement areas of:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- i) Child and Day Care Services - 9 semester hours, to include 6 from subsection (d)(1)(B)(i) and 3 from subsection (d)(1)(B)(ii);
 - ii) Food and Nutrition Services - 9 semester hours from subsection (d)(1)(B)(v);
 - iii) Fashion and Clothing Services - 9 semester hours from subsection (d)(1)(B)(vi);
 - iv) Interior Furnishings Services/Living Environments - 9 semester hours, to include 6 from subsection (d)(1)(B)(iv) and 3 from subsection(s) (d)(1)(B)(iii) and/or (vi);
 - v) Institutional and Home Management Services - 9 semester hours, including one course from four of the areas listed in subsections (d)(1)(B)(i) - (v);
 - vi) Consumer Education and Resource Management - 9 semester hours, to include 6 from subsection (d)(1)(B)(iii) and the remainder from subsection (d)(1)(B)(i), (ii), (iv), (v), or (vi); or
 - vii) Interpersonal, Family Relationships, Parenting - 9 semester hours, to include 6 from subsection (d)(1)(B)(ii) and 3 from subsection (d)(1)(B)(i).
- 2) Home Economics teachers who hold a Home Economics endorsement may teach an orientation/exploratory composite course which addresses a variety of subject areas in Home Economics Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (d)(1)(C).
- 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

e) Industrial Technology Education

1) Twenty-four (24) semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) Twelve (12) semester hours of laboratory-based courses in industrial technology, including at least one course in each of the following content areas:

- i) Communication Technology - design and drafting, broadcasting, computers in communication, photography, graphic arts, telecommunications;
- ii) Production Technology - managing the enterprise, materials and processes, research and development, producing, marketing, servicing in the manufacturing/construction enterprise;
- iii) Transportation Technology - material handling conveyors, space transportation, atmospheric transportation, marine transportation, terrestrial transportation;
- iv) Energy Utilization Technology - energy conversion, solar resources, wind and water resources, fossil fuels, nuclear energy resources, energy conservation.

C) A minimum of one concentration (9 semester hours of laboratory-based courses in addition to the 12 semester hours listed in subsection (e)(1)(B)) in one of the following endorsement areas:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- i) Construction - carpentry, building maintenance, residential and commercial, electricity, painting, plumbing, cement and brick masonry, drywall application and roofing;
- ii) Electronics - computer repair, radio and television repair, small appliance repair, electrical and electronic instrument repair, electromedical equipment repair, communication equipment installation and repair;
- iii) Graphic Communications - press operation, composition and typesetting, commercial art, lithographic press operation, platemaking, photography, printing camera operation;
- iv) Transportation - small gasoline engine repair, aircraft mechanical systems repair, automobile engine repair, diesel engine repair, automobile and truck mechanical systems repair, motor vehicle repair;
- v) Manufacturing - machine tool operation, tool and die making, sheet metal fabrication, welding and metal fabrication, production cabinet making, plastics-forming and fabrication, machinery maintenance, automated manufacturing equipment set-up and maintenance, numerical control machine operation, computer numerical control machine operation;
- vi) Industrial Technology - mechanical systems, hydraulic systems, pneumatic systems, thermal systems, electrical systems, communication systems, transportation systems, production systems, energy and power utilization;
- vii) Public Service - fire-fighting technology, police science, criminal justice technology, security services;
- viii) Drafting/Design - architectural drafting, mechanical drafting, civil drafting.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

computer-aided drafting and design, geometric construction, industrial design;

ix) Autobody Repair - frame inspection and alignment, body and fender repair, glass installation, vinyl top repair, automotive painting; or

x) Heating, Ventilation and Air Conditioning - installation and repair of heating, air conditioning and ventilation systems, installation and repair of refrigeration and air conditioning systems.

2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in each specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

f) Vocational Education Teachers (Reimbursable Training Programs)

The requirements for instructional personnel to teach in reimbursable programs in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education are:

1) Instructors must meet the certification standards in one of the above occupational areas and possess a valid teaching certificate.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

2) Instructors teaching preparation-level courses must have a minimum of 2,000 hours of work experience in the specific endorsement area to be taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

3) A district may employ an individual who does not have 2,000 hours of employment experience in the occupational specialty to be taught, provided that the employment experience requirement will be met within four (4) years from the date of employment by either 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. A directed occupational experience means: a combination of work experience and a university credit-generating course specifically designed to supervise the work experience equal to one-half of the required 2,000 hours; or participation in a work experience with supervision similar to that provided through a university course setting provided by a local agency administrator equal to one-half of the required 2,000 hours. Options chosen pursuant to this subsection must be described in detail in the Regional Education for Employment Plan and will be approved, if:

A) The work experience is a paid employment experience; and

B) The work experience is outside of the education or teaching profession.

4) Cooperative Teacher Coordinator

A) The requirements for teacher-coordinators of specialized cooperative education in Agricultural Education; Business, Marketing and Management;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Health Occupations; Home Economics Occupations; and Industrial Technology Education include:

- i) Twenty-four (24) semester hours in the specialty area, which shall include a methods course, six (6) semester hours in the area of organization and administration of cooperative education; and
- ii) A minimum of 2,000 hours of employment experience in the occupational specialty to be taught; or
- iii) Completion of a directed occupational experience in the appropriate specialized area, equivalent to the 2,000-hour employment requirement; or
- iv) Completion of a combination of employment experience and directed occupational experience equivalent to the 2,000-hour employment experience requirement within four (4) years from the date of initial employment as a coordinator.

B) Options chosen pursuant to subsections (f)(4)(A)(iii) and (iv) shall be described in detail in the district's Regional Education for Employment Plan and will be approved, if:

- i) The work experience is a paid employment experience; and
- ii) The work experience is outside of the education or teaching profession.

5) Special Vocational Teacher Coordinator

In schools with cooperative courses to serve students with special needs, such as the Work Experience and Career Exploration Program, Early School Leaver Program, and vocationally reimbursed Special Education Cooperative Education, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (f)(4), except that the twenty-four (24) semester hours in the occupational specialty area shall be waived. The coordinator shall possess six (6) semester hours in the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

area of organization and administration of cooperative education.

- 6) Interrelated Cooperative Occupational Teacher Coordinator and Cooperative Work Training (CWT) Teacher Coordinator
Coordinators of interrelated cooperative education and cooperative work training shall meet certification standards in at least one of the specialty areas listed in subsection (f)(4)(A) and shall meet the requirements for a Cooperative Teacher Coordinator.

- 7) Compliance with Legal, Governmental and Professional Requirements

For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.

(Source: Added at 14 Ill. Reg. 12457, effective 7/24/90)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1. Appendix A Professional Staff Certification

~~AGENCY NOTE: Does not apply to districts of over 500,000.~~

Types of Certificates

The following list of certificates identifies those certificates which, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools. Questions about the validity of certificates should first be referred to the Regional Superintendent of schools. The State Teacher Certification Board will ~~additionally~~ also answer questions on a certificate's validity.

Code	Type of Certificate	Grade Level Valid For	Still Issued	Years Valid	School Code
02	Early Childhood	to age 6 excluding Kdg.	Yes No	4	21-2.1
03	Standard Elementary	K-9	Yes	4	21-3
04	Early Childhood	Birth - 3	Yes	4	21-2.1
05	Provisional Early Childhood	Birth - 3	Yes	2	21-10
06	Kindergarten-Primary	K-3	No	4	
09	Standard High School	6-12 *	Yes	4	21-5
10	Standard Special	K-12	Yes	4	21-4
11	Vocational	7-12	Endorsed	4	
14	Junior College	9-14	Field	4	
17	Special Exc. Children	K-14	Field	No	
20	Special	11-12 Electives	No	4	
21	General	10 hrs. per Week Adult Field	per Week Yes		21-11
29	Transitional Bilingual	K-12 Language	Endorsed Yes	6	14C-8
30	Provisional Elementary	K-9	**Yes	2	21-10
31	Provisional H.S.	6-12 *	**Yes	2	21-10
32	Provisional Foreign Lang.	K-14 Language	No	4	
33	Provisional Special	K-12 Named Field	**Yes	2	21-10

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Code	Type of Certificate	Grade Level Valid For	Still Issued	Years Valid	School Code
34	Provisional Vocational	K-12 Field	Yes		21-10
37	Temp. Prov. Vocational	K-12 Field	Endorsed	1	21-10
39	Substitute-90 days	K-12 All	Yes	4	21-9
42	Life Elementary	1-8	No	Life	
45	Life Kindergarten	K-3	No	Life	
47	Life High School	6-12 *	No	Life	
48	Life Special	K-14 Field	No	Life	
49	Life Junior College	9-14	Endorsed	No	Life
50	Life School Librarian	K-14 Library	Endorsed	No	Life
60	Ltd. Supervisory	K-14 All	***No	4	
61	All-Grade Supervisory	K-14 All	***No	4	
62	Ltd. Elem. Supervisory	K-9 All	***No	4	
63	Ltd. H.S. Supervisory	6-12 All Elementary	***No	4	
70	Life General Supervisory	K-14 All	***No	Life	
71	Life Supervisory	K-14 All	***No	Life	
72	Temporary TMH	K-12 TMH	No	1	
73	School Service Personnel	K-12 Area of Service	Yes	4	21-25
74	Provisional School Service Personnel	K-12 Area of Service	Yes	2	21-10
75	Administrative	K-12 All	***Yes	4	21-7.1
76	Provisional Administrative	K-12 All	Yes	2	21-10

*The High School Certificate is valid for teaching subjects for which the individual meets recognition requirements, Subpart G, as identified on the individual's transcript as credit in the area.

**A Provisional Certificate may be issued to a person who meets the requirements for a regular teaching certificate in another state and who presents certified evidence of having earned a bachelor's degree from a recognized teacher training institution. The academic and professional courses offered as a basis of the Provisional Certificate shall be courses approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A certificate earned under this plan is valid for a period of two years and shall not be renewed.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

***Valid for teaching subjects for which the individual meets recognition requirements, Subpart G, as identified on the individual's transcript as credit in the area.

(Source: Amended at 14 Ill. Reg. 12457 effective 7/24/90)

Section 1. Appendix B Certification Quick Reference Chart

~~AGENCY NOTE: Does not apply to districts of over 500,000.~~

Questions concerning the appropriateness of certificates required for specific positions depend upon the job description of the position and should be referred to the Public School Approval Section, State Board of Education.

For This Position	These Types of Certificates Are Valid (Codes)		Certificate Currently Being Issued	These Types of Certificates Are Valid (Most Common)		Certificate No Longer Issued But Still Valid If Properly Registered
Teachers						
Teacher Up To 6 Years, Exclusive Of Children Enrolled in Kindergarten	02	04, 05				02
Teacher K-5	03, 10*, 29*, 30, 33*, 34*, 75					06(K-3), 32*, 42, 45(K-3), 48*, 60, 61, 62, 70, 71
Teacher 6-9	03, 09, 10*, 29*, 30, 31, 33*, 34*, 75					11*, 32*, 47*, 48*, 60, 61, 62, 63, 70, 71
Teacher 9-12	09, 10*, 29*, 31, 33*, 34*, 75					11*, 14*, 32*, 47*, 48*, 49*, 60, 61, 63, 70, 71
Special Subject Teacher (Art, Music, P.E., Sci., etc.) K-9	03, 10*, 29*, 30, 33*, 34*, 75					32*, 42, 48*, 60, 61, 62, 70, 71, 72
Special Subject Teacher (Art, Music, P.E., Sci., etc.) 6-12	09, 10*, 29*, 31, 33*, 34*, 75					11, 32*, 47*, 48*, 60, 61, 63, 70, 71
Administrators Head Of Dept. Or Supervisor Spec. Subject	10**, 75, 73**	<u>76</u>				60, 61, 62(K-9), 63(6-12), 70, 71

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

For This Position	These Types of Certificates Are Valid (Codes)		These Types of Certificates Are Valid (Most Common)
Supervisor-Spec. Ed.--One Field	10**, 75 or 76(GS,GA or S Endorsement)		60, 61, 70, 71 and approval ***
Supervisor-P.P.S.--One Field	10**, 73**, 75 or 76(GS,GA or S Endorsement)		60, 61, 70, 71
Supervisor-Voc. Ed.--One Field	10**, 75 or 76(GS,GA or S Endorsement)		60, 61, 70, 71
Directors, Coordinators, General Supervisors	75 or 76(GS,GA or S Endorsement)		60, 61, 62(K-9), 63, 70, 71
Director-Spec. Ed.--More Than One Field	75 or 76(GA or S Endorsement)		60, 61, 70, 71, and approval ***
Director-P.P.S.--More Than One Field	75 or 76(GA or S Endorsement)		60, 61, 70, 71
Director-Voc. Ed.--More Than One Field	75 or 76(GA or S Endorsement)		60, 61, 70, 71
Chief School Business Official	75 or 76(C.S.B.O. Endorsement)		Individuals serving as C.S.B.O. prior to 7/1/77 may continue in their position
Principals, Asst. Prin.	75 or 76(GA or S Endorsement)		60, 61, 62(K-9), 63(6-12), 70, 71
Administrative Asst., Associate Supt., Asst. Supt. Area Voc. Center Director			
Superintendent	75 or 76(S Endorsement)		60, 61, 62(K-9), 63(6-12), 70, 71
School Service Personnel Guidance Nurse Social Worker School Psychologist	73, 74 73, 74 73, 74 73, 74		10 10 10

*Subject named only

**Endorsed for Supervision

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

***Additional work and course requirements must be completed under the Special Education Reimbursement Approval requirements of the Department of Specialized Educational Services in order to qualify for special education personnel reimbursement.

(Source: Amended at 14 Ill. Reg. 12457, effective 7/24/90)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Nurse Agency Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 690
- 3) Section Numbers:
 - 690.10
 - 690.20
 - 690.30
 - 690.40
 - 690.50
 - 690.60
 - 690.70
 - 690.80
 - 690.90
 - 690.100
 - 690.110
 - 690.120
 - 690.130
 - 690.140
 - 690.150
 - 690.160
 - 690.170
 - 690.180
 - 690.190
 - 690.200
 - 690.210
 - 690.220
 - 690.230
 - 690.240
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, pars. 951 et seq.
- 5) Effective Date of Rules: July 23, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 23, 1990
- 9) Notice(s) of Proposal Published in Illinois Register:
January 19, 1990, 14 Ill. Reg. 1107
- 10) Has JCARE issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
Deletion of the definition "Full time Equivalent" in Section 690.20.

Adopted Action:
All New Sections

NOTICE OF ADOPTED RULES

Addition of new subsection (e) to read: "If the applicant has ever been convicted of a felony" in Section 690.40(e).

Section 690.40(g) was rewritten to read as follows: "A statement of financial solvency declaring: 1) that the Nurse Agency or its owners have not been adjudged insolvent or bankrupt in a State or Federal court; and 2) that a court proceeding to make a judgment of bankruptcy or insolvency with respect to the Nurse Agency or its owners is not pending in a State or Federal court. In addition, the Nurse Agency agrees to inform the Director of Labor prior to a court proceeding to make judgment of insolvency or bankruptcy which will be instituted with respect to the Nurse Agency or its owners."

Section 690.40(i) rewritten to read as follows: "Evidence of compliance or intent to comply with State or federal law relating to employee compensation (Illinois Minimum Wage Law, Ill. Rev. Stat. 1989, ch. 48, par. 1001 et seq.), including but not limited to, social security taxes, state and federal income taxes, workers' compensation (Workers' Compensation Law, Ill. Rev. Stat. 1989, ch. 48, par. 138 et seq.), unemployment taxes (Illinois Unemployment Insurance Act, Ill. Rev. Stat. 1989, ch. 48, par. 300 et seq.), and state (Illinois Minimum Wage Law, Ill. Rev. Stat. 1989, ch. 48, par. 1001 et seq.) and federal overtime compensation laws."

Added the language "in the personnel file for a period of two (2) calendar years" after the words "reference checks" in the last sentence in Section 690.70(b)(2)(B).

Added as a second sentence the following language "A physician or a RN shall administer and read the Mantoux tuberculosis test" in Section 690.70(b)(4).

Section 690.80(e)(1) rewritten to read: "has been administered the Mantoux tuberculosis test by a physician or a RN. The date the test results were read shall be indicated in writing on the application form."

Deleted the language "should be noted" and replaced with "shall be indicated in writing on the application form" in Section 690.80(e)(2).

Added the language "(77 Ill. Adm. Code 395)" after the words "certification requirements" in Section 690.90(a)(2).

Added the language "(see subsection (a)(1))" after the words "such verification" in line 2 of Section 690.90(c).

Added the language "(see subsection (a)(2))" before the words "in writing" in Sections 690.90(c) line 6.

NOTICE OF ADOPTED RULES

Added the language "(77 Ill. Adm. Code 395)" after the words "approved by the Department of Public Health" in Section 690.90(c).

Added the language "the length of conditional employment shall be extended to more than 20 working days only if the delay in response from the Department of Professional Regulation or the Department of Public Health was as a result of a staffing problem or clerical error" as the last sentence in Section 690.90(c).

Added the language "by the Nurse Agency" before the words "within 20 working days" in Section 690.90(c).

Added the language "in writing" after the word "report" in Section 690.130(a).

Added the language "in writing" after the word "report" in Section 690.130(b).

Added the language "in writing" after the words "shall report" in Section 690.140(a).

Added the language "in writing" after the words "shall notify the Department" in Section 690.140(c).

Added the language "in writing" after the words "the applicant or licensee" in Section 690.160(b).

Changed "may" to "shall" in Section 690.170.

Section 690.170(c) rewritten to read "statement of financial solvency (see Section 690.40(g))".

Changed "may" to "shall" in Section 690.180(a).

Changed "may" to "shall" in Section 690.180(b).

Changed "par. 142 et seq." to read "par. 4151-101 et seq." in the definition of "Health care facility" in the citation to the "Nursing Home Care Reform Act of 1979" in Section 690.20.

Changed "interview" to read "interview" in Section 690.70(b)(1).

Changed "Location" to "Locations" in Section 690.40(c).

Changed "Has" to read "has" in Section 690.80(e)(3).

NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:

The Department of Labor is adopting these rules to implement the Nurse Agency Licensing Act (Ill. Rev. Stat. 1989, ch. 111, pars. 951 et seq.) which was enacted to assure that high quality health care professionals are referred to Illinois health care facilities.

- 16) Information and questions regarding this adopted rule shall be directed to:

Kathy McCreery, Administrator
Nurse Agency Licensing Section
Illinois Department of Labor
1 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-9069

The full text of the Adopted Rules begins on the next page:

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER III: DEPARTMENT OF LABORPART 690
NURSE AGENCY LICENSING ACT

Section	
690.10	Delegation of Authority
690.20	Definitions
690.30	Licensure
690.40	Contents of Application
690.50	Fee Schedule
690.60	Expiration and Renewal
690.70	Standards For Operation of an Agency
690.80	Application for Employment, Assignment, or Referral
690.90	Prerequisites for Employment, Assignment, or Referral
690.100	Evaluation Forms
690.120	Conditions of Employment, Assignment and Referral
690.130	Reporting Changes in Management and Stockholders
690.140	Transfer of Ownership
690.150	Inspections and Records
690.160	Complaints and Investigations
690.170	Denial of Initial License
690.180	Denial of Renewal or Revocation of License
690.190	Hearings
690.200	Considerations in Reaching a Decision
690.210	Fines
690.220	Subpoena
690.230	Determination
690.240	Administrative Review

AUTHORITY: Implementing and authorized by the Nurse Agency Licensing Act, (Ill Rev. Stat. 1989, ch. 111, par. 951 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 12516 effective July 23, 1990.

NOTE: Bold face type denotes statutory language.

Section 690.10 Delegation of Authority

The Director of Labor or his/her designated representative of the Department shall have the power and authority to enforce and administer the Illinois Nurse Agency Act, except the authority to make a final decision in a matter after a formal hearing, which authority remains with the Director. The decision of the Director shall be considered a Final Order.

Section 690.20 Definitions

In addition to those definitions found in Section 3 of the Act, the following definitions shall apply for the purpose of these regulations:

"Act" means the Nurse Agency Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 951 et seq.).

"Applicant" means any nurse, licensed practical nurse or certified nurse aide who interviews for employment, assignment or referral to an Illinois health care facility by a nurse agency.

"Certified Nurse Aide" means a nursing assistant, including a nurse's aide, orderly, or nurse technician registered with the Department of Public Health in accordance with Section 3-206 of the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4153-206).

"Department" means the Illinois Department of Labor.

"Director" means the Director of the Illinois Department of Labor and/or his/her designated representative.

"Health care facility" means a facility as defined in Section 3 of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1153) and includes the following:
an ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 157-8.1 et seq.);
an institution, place, building or agency required to be licensed pursuant to the Hospital Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.);
any institution required to be licensed pursuant to the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.);
any kidney disease treatment center, including a free standing hemodialysis unit;

any health maintenance organization required to be operated pursuant to the Health Maintenance Organization Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1401 et seq.) and which is a qualified health maintenance organization under Section 1320(d) of the Public Health Services Act (42 U.S.C. 300M-9) or provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, out of area coverage; is compensated (except for co-payments) for the provision of basic health care services listed in clause to enrolled participants by a payment which is paid on a periodic basis

without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and provide physicians' services primarily directly through physicians who are either employees or partners of such organization, or through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis);

any hospital, nursing home, ambulatory surgical treatment center, kidney disease treatment center, or health maintenance organizations maintained by the State or any department or agency thereof, but not a federally owned facility.

"Licensed practical nurse" means a person licensed under the Illinois Nursing Act of 1987 (Ill. Rev., Stat. 1989, ch. 111, par. 3501 et seq.) as a licensed practical nurse and practices practical nursing, which is the performance for compensation of acts in the care of the ill, injured, or infirmed, selected by and performed under the direction of a registered professional nurse, licensed physician, dentist, or podiatrist, requiring the basic nursing skill, judgment, and knowledge acquired by means of a completed course of study in an approved practical nursing education program.

"Licensee" means any nurse agency which is properly licensed under this Act.

"Manage" means to be in charge of the day to day operations of the agency.

"Nurse" means a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1989, as now or hereafter amended.

"Nurse Agency" means any individual, firm, corporation, partnership or other legal entity that employees, assigns or refers nurses or certified nurse aides to a Health Care Facility for a fee, but does not include:

home health agencies licensed and operated under the Home Health Agency Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2801); or

a licensed or certified individual who provides his own services to a health care facility; or
a subsidiary, division or other organizational entity or corporation that is wholly owned by a health care facility that provides the services of nonsalaried employees only in that facility.

NOTICE OF ADOPTED RULES

"Registered nurse" means a person who is licensed as a professional nurse under the Illinois Nursing Act of 1987 and practices professional nursing, in all its specialties, which is the performance for compensation of any nursing act, in the nursing evaluation, observation, care and counsel of the ill, injured, or infirmed; in the maintenance of health or prevention of illness of others; the administration of medications and treatments as prescribed by a licensed physician, dentist, or podiatrist; or any act in the supervision or teaching of nursing, which requires substantial, specialized judgment and skill the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science acquired by means of a completed course in an approved school of professional nursing, except those acts of medical diagnosis or prescription of therapeutic or corrective measures which are properly performed only by physicians licensed in the State of Illinois.

"Supervising Nurse" means a registered nurse who is responsible for overseeing the assignment of nurses and certified nurse aides to a health care facility.

"Transfer of Ownership" means a sale and/or transfer of a majority interest in the ownership of a nurse agency.

Section 690.30 Licensure

- a) No nurse agency, whether located within or outside the boundaries of the State of Illinois, assigning or referring nurses or certified nurse aides to Illinois health care facilities, shall be established, operated, maintained or advertised until such agency has been issued a license by the Department.
- b) A separate license must be issued for each location from which a nurse agency will be operated unless the nurse agency is owned and managed by the same individual, firm, corporation, partnership or other legal entity.
- c) An agency that is licensed as a home health care agency must also be licensed as a nurse agency if it is referring or assigning nurses or certified nurse aides to health care facilities unless the assignment or referral is as a private duty nurse or certified nurse aide for the benefit of a particular individual with payment for the services made by, or on behalf of, that individual.
- d) An agency that is licensed as a private employment agency must also be licensed as a nurse agency if it refers nurses or certified nurse aides to health care facilities unless such referral is only for purposes of full time employment by the health care facility.

NOTICE OF ADOPTED RULES

Section 690.40 Contents of Application

An application to operate a nurse agency shall be made on a form provided by the Department. The application and information submitted with an application are considered exempt from disclosure under Section 7(b)(iii) of the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, par. 207). The application shall contain but is not limited to the following:

- a) Name and address, of the person, partnership, corporation or other entity that is the prospective licensee;
- b) If the prospective licensee is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for an initial license. Applications for license renewal shall contain any amendments to the articles of incorporation and bylaws.
- c) The name and locations of premises from which the prospective licensee will provide services;
- d) The name and address of the person under whose management or supervision the nurse agency will be operated;
- e) If the applicant has ever been convicted of a felony;
- f) The name of the supervising nurse, if not the same as the person who is responsible for management;
- g) A statement of financial solvency declaring:
 - 1) That the Nurse Agency or its owners have not been adjudged insolvent or bankrupt in a State or Federal court; and
 - 2) That a court proceeding to make a judgment of bankruptcy or insolvency with respect to the Nurse Agency or its owners is not pending in a State or Federal court.
 In addition, the Nurse Agency agrees to inform the Director of Labor prior to a court proceeding to make judgment of insolvency or bankruptcy which will be instituted with respect to the Nurse Agency or its owners.
- h) A statement detailing the experience and qualifications of the prospective licensee to operate a nurse agency;
- i) Evidence of compliance or intent to comply with State or Federal law relating to employee compensation (Illinois Minimum Wage Law, Ill. Rev. Stat. 1989, ch. 48, par. 1001 et seq.), including but not limited to, social security taxes, State and Federal income taxes, workers' compensation (Workers' Compensation Law, Ill. Rev. Stat. 1989, ch. 48, par. 138 et seq.), unemployment taxes (Illinois Unemployment Insurance Act, (Ill. Rev. Stat. 1989, ch. 48, par. 300 et seq.), and state (Illinois Minimum Wage Law, Ill. Rev. Stat. 1989, ch. 48, par. 1001 et seq.) and federal overtime compensation laws.
- j) A certificate of insurance showing the prospective licensee has professional liability insurance in the amounts of at least \$500,000 per incident and \$1,000,000 in aggregate;
- k) An application must be signed and notarized.

NOTICE OF ADOPTED RULES

Section 690.50 Fee Schedule

- a) The application must be accompanied by a \$250.00 fee. This fee is subject to change through rulemaking.
- b) The fee shall be paid by certified check, cashier's check or money order made payable to the Illinois Department of Labor.

Section 690.60 Expiration and Renewal

- a) Each license shall be for a term of one year and shall expire one year from the date of issuance unless the Department revokes or suspends the license sooner or the nurse agency changes ownership. A period of suspension does not extend the license for any period of time.
- b) A licensee must apply for renewal at least 90 days prior to the expiration.

Section 690.70 Standards For Operation of an Agency

- a) Each licensee shall have a registered nurse serving as manager or supervisor of all nurses and certified nurses aides.
- b) Each licensee shall develop and maintain written personnel policies and procedures with regard to its nurses and certified nurse aides. Policies and Procedures must be available in each location from which an agency is operated. Minimum standards shall include, but are not limited to:
 - 1) An in-person interview of an applicant performed or supervised by a registered nurse;
 - 2) Reference checks of an applicant:
 - A) Every licensee shall check at least two recent references and dates of employment listed on the application unless the applicant has not had two previous employers;
 - B) Such verification may be in writing, in person or by telephone. The licensee shall keep a written record of such reference checks in the personnel file for a period of two (2) calendar years;
 - 3) Licensee will verify with the Department of Public Health or the Department of Professional Regulation that each applicant is certified or registered as stated on application;
 - 4) An annual health examination, which shall include a Mantoux tuberculosis test, to determine the nurse or certified nurse aide is free of communicable, contagious or infectious diseases. A physician or a RN shall administer and read the Mantoux tuberculosis test;
 - 5) An annual evaluation of each nurse or certified nurse aide; such evaluation shall be maintained in personnel file for a period of 2 years;
 - 6) CPR certification;

NOTICE OF ADOPTED RULES

7) Orientation procedures.**Section 690.80 Application for Employment, Assignment, or Referral**

Each licensee shall require an applicant to complete in writing an application form which contains, but is not limited to the following:

- a) Name and address of the applicant with verification of the applicant's identity by means of a valid driver's license, Secretary of State's identification card, passport or other appropriate identification which includes a photograph of the applicant.
- b) Written verification from the Department of Professional Regulation indicating the license and licensure status of a RN or LPN;
- c) Written verification from the Department of Public Health that a CNA has been registered as having completed a course which has been certified by that agency;
- d) Dates and places of the most recent previous employment references;
- e) A statement completed within the last twelve (12) months, that the applicant:
 - 1) has been administered the Mantoux tuberculosis test by a physician or a RN. The date the test results were read shall be indicated in writing on the application form;
 - 2) has completed a CPR training course - date of certification shall be indicated in writing on the application form;
 - 3) has completed skill inventory and listed clinical areas of competence.

Section 690.90 Prerequisites for Employment, Assignment, or Referral

- a) Every licensee shall verify:
 - 1) with the Department of Professional Regulation that each applicant RN or LPN holds a valid license; and
 - 2) with the Department of Public Health that each applicant CNA has completed certification requirements (77 Ill. Adm. Code U.C. 395).
- b) No licensee shall employ, assign or refer any applicant until the licensee has checked the applicant's references.
- c) A licensee may conditionally employ, assign, or refer a RN or LPN if the licensee has requested such verification (see subsection (a)(1)) of the current license of an applicant RN and LPN in writing from the Department of Professional Regulation; a licensee may conditionally employ, assign, or refer an applicant CNA if the licensee has requested such verification (see subsection (a)(2)) in writing from the Department of Public Health that the applicant is registered as having completed a course as approved by the Department of Public Health (77 Ill. Adm. Code U.C. 395). The length of conditional employment, referral, or assignment of the applicant is subject to approval by the Department of Labor if written verification has not been received by the Nurse Agency within 20 working days. The length

DEPARTMENT OF LABOR

NOTICE OF ADOPTED RULES

- of conditional employment shall be extended to more than 20 working days only if the delay in response from the Department of Professional Regulation or the Department of Public Health was as a result of a staffing problem or clerical error.
- d) No nurse agency shall assign or refer an applicant to a health care facility unless the health care facility has provided the clinical area of skills required for job assignment.

Section 690.100 Continuing Verifications

- a) Monthly, the Nurse Agency shall review the disciplinary report published by the Department of Professional Regulation to determine whether any nurse it employs, assigns or refers has had his/her license suspended or revoked.
- b) When a RN or LPN is found to be on the disciplinary report, the nurse agency shall determine if the RN or LPN has had his/her practice limited and/or conditioned. It shall be the responsibility of the nurse agency to advise the health care facility in writing of the limitation and/or condition.
- c) When established, the nurse agency shall monthly review the abuse report published by the Department of Public Health to determine whether any CNA it employs has appeared on the report.
- d) After July 1 of every even numbered year, the nurse agency shall verify with the Department of Professional Regulation that a RN continues to hold a valid, unencumbered license. Such verification shall be in writing.
- e) After April 1 of every odd numbered year, the nurse agency shall verify with the Department of Professional Regulation that a LPN continues to hold a valid, unencumbered license. Such verification shall be in writing.

Section 690.110 Evaluation Forms

- a) After first shift, licensee shall mail to the health care facility a form on which the applicant may be evaluated for:
- 1) applicant's qualifications to perform job for which referred.
 - 2) performance of applicant.
- b) Licensee shall complete an annual performance evaluation of applicant. Information provided by the health care facility may be used for this purpose.

Section 690.120 Conditions of Employment, Assignment and Referral

- a) No licensee shall require, as a condition of employment, assignment or referral, that any nurse and certified nurse aide recruit nurses or certified nurse aides for the licensee from among the permanent employees of the health care facility to which the licensee's nurses or certified nurse aides have been assigned or referred.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED RULES

- b) Health care facilities are prohibited from requiring, as a condition of employment, that their employees recruit new employees from these nurse agency employees.

Section 690.130 Reporting Changes in Management and Stockholders

- a) Each licensee shall report in writing to the Department within thirty (30) business days any changes in personnel who manage or supervise RN's, LPN's or CNA's.
- b) Each licensee which is a corporation shall report in writing within 30 days any changes in the list of stockholders who own more than 5% of its stock.

Section 690.140 Transfer of Ownership

- a) Each licensee whose ownership is to be transferred shall report in writing to the Department the name of the transferee and the anticipated date of the transfer.
- b) The anticipated transferee shall apply for a license at least 45 days before the anticipated transfer.
- c) The Department may issue a license to a transferee to become effective on the date of the transfer, and the transferor's license will become void on the date the transferee's license becomes effective. The transferor shall notify the Department in writing the day the transfer is effected.

Section 690.150 Inspections and Records

- a) The Director shall have the right to make surveys and inspections of the facilities and records of any licensee as are necessary in order to determine the status of compliance with the Act and this Part.
- b) All applications for employment, assignment, or referral shall be kept on the premises of the licensee and shall be open to inspection during regular business hours by the Department.

Section 690.160 Complaints and Investigations

- a) Upon complaint, the Department shall investigate an applicant or licensee. Such complaint may be filed by any person or health facility or other nurse agency and may be in writing, in person or by telephone. Any complaint made in person or by telephone must also be made in writing. The Department may institute an investigation based on a nonwritten complaint if the Department determines that the public interest, safety or welfare is at risk.
- b) The Department shall notify the applicant or licensee in writing of the complaint and the applicant or licensee may submit comments and information.
- c) The name of persons who file complaints are considered confidential

NOTICE OF ADOPTED RULES

and are exempt from disclosure under section 7(b)(iii) of the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, par. 207).

Section 690.170 Denial of Initial License

A license shall be denied for any, but not limited to the following:

- a) failure to comply with the minimum standards set forth by the Act or Section 690.70;
- b) a felony conviction of the prospective licensee;
- c) statement of financial solvency (see Section 690.40(g));
- d) failure to establish personnel policies and procedures for selecting nurses and certified nurse aides for employment, assignment or referral.

Section 690.180 Denial of Renewal or Revocation of License

- a) An application for a renewal of a license shall be denied for, but not limited to:

- 1) any of the reasons for denial of the original license listed in Section 690.170;
- 2) for any violations of provisions of the Act or of this Part;
- 3) for refusal to pay a fine.

- b) A license shall be revoked for, but not limited to, any of the following reasons:

- 1) for any of the reasons for which a license may be denied as listed in Section 690.170;
- 2) for violations of provisions of the Act or of this Part;
- 3) for refusal to pay a fine; or
- 4) for any conduct or practice found as a result of an administrative hearing, to be detrimental to the public's right to high quality health care.

Section 690.190 Hearings

- a) Before denying any application or refusing to renew a license, revoking or suspending a license, or imposing a fine, the Department shall notify the applicant or licensee in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than fourteen (14) days from the date of such mailing, at which time the applicant or licensee shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and subject to the Departmental hearing rules (68 Ill. Adm code 680.230).

Section 690.200 Considerations in Reaching a Decision

In determining whether to revoke, suspend, refuse to issue or to renew a license, or to impose a fine and the amount of the fine the Director shall consider:

NOTICE OF ADOPTED RULES

- a) Whether the finding constitutes a technical error;
- b) Whether the finding is serious enough to constitute an actual violation of the intent and purpose of a particular provision of the Act or this Part;
- c) Whether the violation could pose any direct or potential harm to a patient in a health care facility;
- d) Whether the applicant or licensee has taken steps to correct the noted violations; and
- e) Whether the same violation or similar violations relating to the same conditions or occurrences have been included in previous reports and the licensee has allowed the condition or occurrence to continue or to recur.

Section 690.210 Fines

- a) The Director may impose a fine not to exceed \$1000 for operating a nurse agency without a license; referring or assigning a person who does not hold a currently valid license as a nurse issued by the Department of Professional Regulation, or is not registered with the Department of Public Health as a certified nurse aide; or for failure to have and maintain sufficient liability insurance.
- b) The Director may impose a fine not to exceed \$500 for submission of false or misleading information, or a fine not to exceed \$300 for the failure to provide or maintain information in accordance with the Act or this Part.
- c) The Director may impose a fine not to exceed \$500 for violation of any other Section of this Part.
- d) A fine may be imposed in addition to a suspension, revocation or refusal to renew a license.

Section 690.220 Subpoena

The Director shall, upon his/her own motion or on the written request of any party to a proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses and subpoenas duces tecum requiring the production of books, papers, records or memoranda.

Section 690.230 Determination

Any determination based on investigation by the Illinois Department of Labor shall be considered a contested case subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.) and the final decision will be in writing.

Section 690.240 Administrative Review

The decision may be reviewed under the Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.).

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Access to Legislative Information System Information

2) Code Citation: 3 Ill. Adm. Code 600

3) Section number: Adopted Action:

600.10	Amend
600.20	Amend
600.40	Amend
600.70	Amend
600.80	Amend
600.85	Repeal
600.90	Amend

4) Statutory Authority: An Act in relation to the Legislative Information System (Ill. Rev. Stat. 1987, ch. 63, pars. 1001.3, 42.15, and 42.16); and the Illinois Administrative Procedure Act (ch. 127, par. 1007).

5) Effective Date of Amendments: July 20, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do the amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 6, 1990.

9) Notice of Proposal Published in Illinois Register: Illinois Register Issue #10 dated March 9, 1990, 14 Ill. Reg. 3349.

10) Has JCAB issued a Statement of Objections to the amendments? No.

11) Difference between proposal and final version: At the request of the Secretary of State's Office - a) On the first page of the Notice - changes the action of Section 600.85 from "amend" to "repealed", b) Section 600.10 "System" - line 2 - changes "An Act" to "AN ACT", and c) Section 600.70(a) - Changes reference to the Illinois Revised Statutes to read - "Section 42.16 of "An ACT in relation to a Legislative Information System". At the request of JCAB - a) Section 600.10, under definition of "System" - removed the strikeouts from "by", and b) Section 600.70(b) - the word "Data" in the second line was changed to "data".

12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreement letter issued by JCAB? Yes.

13) Will the amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: The Legislative Commission Reorganization Act of 1984 (ch. 63, par. 1001.3) lists the Legislative Information System as a Legislative Support Services Agency. Computer Systems as used in Ill. Rev. Stat. 1987, ch. 63, par. 42.16 is made up of computer data. Through approval from the Joint Committee on Legislative Support Services who have general responsibility for establishing policy and coordinating activities and responsibilities among the Legislative Support Services Agencies and with the approval of the Legislative Information System's twelve member board, responsibilities as outlined under Section 600.85 were approved for repeal. The Secretary of State's Office now provides these services as outlined in the Illinois Administrative Procedure Act (ch. 127, par. 1007).

16) Information and questions regarding the adopted amendments shall be directed to:

John T. Hatcher
Legislative Information System
705 Stratton Office Building
Springfield, IL 62706
217/782-3944

The full text of the Adopted Amendments begins on the next page:

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 3: LEGISLATURE
SUBTITLE B: LEGISLATIVE MANAGEMENT AGENCIES
CHAPTER II: LEGISLATIVE INFORMATION SYSTEM

PART 600
ACCESS TO LEGISLATIVE INFORMATION SYSTEM INFORMATION

- Section
- 600.10 Definitions
- 600.20 Priority of Access
- 600.30 Access by the General Assembly
- 600.40 Access by Legislative Management Support Service Agencies
- 600.50 Access by Legislative Agencies
- 600.60 Access by State Agencies
- 600.70 Access to Computer-Beta by Outside Users
- 600.80 Access by Report Subscription Users
- 600.85 Copies of the Administrative Code Data Base (Repealed)
- 600.90 Billing and Collection of User Fees

AUTHORITY: Implementing and authorized by Sections 5 and 6 of "AN ACT in relation to a Legislative Information System" (Ill. Rev. Stat. 1987, ch. 63, pars. 42.15 and 42.16).

SOURCE: Adopted at 2 Ill. Reg. 48, p. 1, effective December 1, 1978; emergency amendment at 4 Ill. Reg. 3, p. 45, effective January 7, 1980 for a maximum of 150 days; amended at 4 Ill. Reg. 19, p. 235, effective May 15, 1980; emergency rule adopted and codified at 6 Ill. Reg. 7843, effective July 1, 1982 for a maximum of 150 days; rule repealed and new rule adopted and codified at 6 Ill. Reg. 13742, effective October 26, 1982; emergency amendment at 7 Ill. Reg. 5725, effective April 26, 1983 for a maximum of 150 days; amended at 7 Ill. Reg. 11524, effective September 12, 1983; amended at 14 Ill. Reg. 12531, effective July 20, 1990.

Section 600.10 Definitions

"General Assembly" - This term shall include the Illinois House of Representatives, the Illinois State Senate, the Clerk of the House, the Secretary of the Senate, committees created by rules of the legislative body, committee chairpersons and spokespersons, legislators and legislative staffs assigned to the leadership and standing committees.

"Legislative Agencies" - This term shall include all committees, joint committees, select committees, commissions, boards, councils, bureaus, etc. comprised of any legislative members appointed by the Speaker of the House, President of the Senate or the respective minority leaders that are not covered under the definition for General Assembly or Legislative-Management Support Service Agencies.

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

"Legislative-Management Support Service Agencies" - This term shall mean ~~the Legislative-Reference-Bureau, the Legislative Council and the Legislative Information System~~ those agencies as defined by Section 1-3, of the Legislative Commission Reorganization Act of 1984 (Ill. Rev. Stat. 1987, ch. 63, par. 1001.3).

"LIS" - This term means the Legislative Information System.

"Outside Users" - This term shall include all other government entities, organizations and private persons requesting access to the Legislative computer and information available from the computer except the General Assembly, Legislative Management, Legislative and State agencies.

"Report Subscription Users" - This term shall include all users of LIS subscribing to the weekly report service except The General Assembly, Legislative Management, Legislative and State agencies.

"State Agencies" - This term shall include Departments, Boards and Commissions of the Executive and Judicial Branches of government who are annually appropriated funds for their operations by the Illinois General Assembly.

"System" - This term represents the membership of the Legislative Information System created by Public-Act-89-683 "AN ACT in relation to a Legislative Information System" as amended (Ill. Rev. Stat. 1987, ch. 63, par. 42.11 et seq.).

(Source: Amended at 14 Ill. Reg. 12531, effective July 20, 1990)

Section 600.20 Priority of Access

a) The Executive Director shall be responsible for the establishment of priority of access wherever necessary, based on the following listing of priority users from highest to lowest priority.

- 1) General Assembly
- 2) Legislative-Management Support Service Agencies
- 3) Legislative Agencies
- 4) State Agencies
- 5) Outside Users
- 6) Report Subscription Users

b) The Executive Director shall assign lower priority, temporarily terminate access or take other suitable action when required to maintain services to the General Assembly and/or Legislative Management Support Service Agencies.

c) Access to non-legislative users shall be granted in such a manner that the quality of service available to the General Assembly, Legislative Management Support Service Agencies and Legislative Agencies is in no

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

way reduced.

(Source: Amended at 14 Ill. Reg. 12531, effective July 20, 1990)

Section 600.40 Access by Legislative Management Support Service Agencies

LIS shall provide access to the programs developed and/or maintained by LIS, develop new programs and applications, provide such technical services as required and provide the data processing equipment required for access to the system pursuant to appropriations made to the System.

(Source: Amended at 14 Ill. Reg. 12531, effective July 20, 1990)

Section 600.70 Access to Computer Data by Outside Users

a) Pursuant to Chapter 637 Section 42.16 of "AN ACT in relation to a Legislative Information System" the Illinois Revised Statutes (1979), LIS may provide direct access to the Bitt-Status-System computer data to private persons, organizations and non-state agencies, and may sell copies of computer data residing on its systems, subject to the provisions specified in Section 600.20.

b) LIS will shall, annually, establish a fee for such direct access and/or copies of data that shall be based on the State's cost of providing such service or data and may include a provision for a monthly charge based on the usage of the System or other charges incurred by LIS in providing such service and/or data.

c) Charges for this direct access shall be governed by the following conditions, which shall also be made part of a standard contract between LIS and Outside Users of the Bitt-Status-System computer data.

- 1) Access shall be provided by dial-up telephone lines unless other forms of access are specifically approved for an individual paying user of the System.
- 2) Access will be provided only at times when the Bitt-Status-System computer data is available to its regular legislative users.
- 3) Paying users of the Bitt-Status-System computer data shall have access to the system via telephones lines shared with other users.
- 4) Paying users are not to allow third parties to use the accessing capabilities of the Bitt-Status-System computer data, unless this provision is waived by contractual agreement between LIS and the user.
- 5) LIS will make available reasonable amounts of training in the usage of the Bitt-Status-System computer data at its Springfield office. The costs incurred for training at the user's location or any location outside of Springfield shall be payable by the user.
- 6) Paying users shall, in addition to the fee charged by LIS, be

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

responsible for all costs of communicating with the Bitt-Status System (e.g., terminal rental, telephone line costs).

(Source: Amended at 14 Ill. Reg. 12531, effective July 20, 1990)

Section 600.80 Access by Report Subscription Users

Based on a calendar year subscription fee established annually by the System, the general public may subscribe to receive reports prepared periodically from the Bitt-Status-System computer data. The subscription fee shall be based on the costs of printing, postage and other materials handling necessary for the distribution of the reports.

(Source: Amended at 14 Ill. Reg. 12531, effective July 20, 1990)

Section 600.85 Copies of the Administrative Code Data Base (Repealed)

a) LIS shall make available copies of the Bitt-Status-System Administrative Code at no charge to the Governor, the Secretary of State, the General Assembly and its committees and commissions, the Joint Committee on Administrative Rules, agencies of state government, and the Cook County law library. One copy of a title will be provided to state agencies free of charge. Additional copies will be available at the charge determined under subsection (c) of this Section.

b) LIS shall make available copies of the Bitt-Status-System Administrative Code at a cost determined under subsection (c) of this Section to all other entities or individuals.

c) The cost for each title shall be determined by the actual cost of material plus the average hourly cost of labor divided by the number of copies produced, plus 10% for indirect overhead and plus the cost of mailing the title. The cost for each title shall be determined by the Director and shall be posted in the LIS office. Information can be obtained by calling LIS at 217/782-3944.

(Source: Repealed at 14 Ill. Reg. 12531, effective July 20, 1990)

Section 600.90 Billing and Collection of User Fees

- a) LIS shall provide access to the Bitt-Status-System computer data based on the completion of the Standard Contract for Access to the System and the payment of the annual fee set by the System. The fee shall be based on a calendar year and may be prorated by the System.
- b) The Report Subscription Service fee shall be based on a calendar year and may be prorated by the System.
- c) Failure of a subscriber to reimburse LIS within 90 days of the billing date will result in the termination of service, unless an extension is

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

- d) If a monthly charge based on usage is applied the charges will be billed monthly by LIS.
e) The amounts collected shall be paid to the State Treasury for deposit in the State Treasury.

(Source: Amended at 14 Ill. Reg. 12531, effective July 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:
304.222 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.
- 5) Effective Date of Rule: July 18, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 21, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 20230 December 29, 1990
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The proposed changes to Section 304.211 have been placed in Section 304.222 because Section 304.211 had already been used.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.
The Board has proposed amendments in R86-14.

Section Numbers

Proposed Action

Illinois Register Citation

304.211

New Section

14 Ill. Reg. 9700, June 22, 1990

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rule:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle (C)-Toxics Control, Board Docket R88-21, Docket B. Other related amendments are proposed in Part 302, and are contained in a separate notice pertaining to that part. A description is also contained in the Board's Opinion and Order of June 21, 1990, which is available from the Clerk of the Board, at: IL Pollution Control Board, State of IL Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601.

These amendments contain an exception for discharges of total residual chlorine which result from intermittent chlorination practice. Intermittent chlorination is practiced by utilities and industries, which use surface waters as cooling waters, to prevent biofouling of various cooling devices.

16) Information and questions regarding this adopted rule shall be directed to:

Michelle Tarallo
Illinois Pollution Control Board
P. O. Box 505
DeKalb, IL 60115
815/753-0947

The full text of the Adopted Rule begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section
304.101
304.102
304.103
304.104
304.105
304.106
304.120
304.121
304.122
304.123
304.124
304.125
304.126
304.140
304.141
304.142

Preamble
Dilution
Background Concentrations
Averaging
Violation of Water Quality Standards
Offensive Discharges
Deoxygenating Wastes
Bacteria
Nitrogen (STORET number 00610)
Phosphorus (STORET number 00665)
Additional Contaminants
pH
Mercury
Delays in Upgrading (Repealed)
NPDES Effluent Standards
New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section
304.201
304.202
304.203
304.204
304.205
304.206
304.207
304.208
304.209
304.210
304.212
304.213
304.214

Wastewater Treatment Plant Discharges of the
Metropolitan Sanitary District of Greater Chicago
Chlor-alkali Mercury Discharges in St. Clair County
Copper Discharges by Olin Corporation
Schoenberger Creek: Groundwater Discharges
John Deere Foundry Discharges
Alton Water Company Treatment Plant Discharges
Galesburg Sanitary District Deoxygenating Wastes
Discharges
City of Lockport Treatment Plant Discharges
Wood River Station Total Suspended Solids
Discharges
Alton Wastewater Treatment Plant Discharges
Sanitary District of Decatur Discharges
Union Oil Refinery Ammonia Discharge
Mobil Oil Refinery Ammonia Discharge

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

304.215 City of Tuscola Wastewater Treatment Facility Discharges
 304.216 Newton Station Suspended Solids Discharges
 304.219 North Shore Sanitary District Phosphorus Discharges
 304.220 East St. Louis Treatment Facility, Illinois-American Water Company
 304.221 Ringwood Drive Manufacturing Facility in McHenry County
 304.222 Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section
 304.301 Exception for Ammonia Nitrogen Water Quality Violations
 304.302 City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1980; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 811, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; preemptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990.

SUBPART B: SITE-SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section 304.222 Intermittent Discharge of TRC

The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 by operation of Section 304.105 shall not apply to any discharge which contains TRC solely as the result of intermittent usage for antifouling purposes related to the operation of condensers and cooling systems. For the purposes of this Section usage of chlorine or related substances measurable as TRC shall be deemed to be intermittent if usage is restricted to a maximum of two hours per day per condenser or cooling system unit. Discharge concentration of TRC averaged or composited over the discharge period shall not exceed 0.2 mg/l nor shall the TRC concentration exceed 0.5 mg/l at any time.

(Source: Added at 14 Ill. Reg. 12538, effective 7/18/90)

OFFICE OF PUBLIC COUNSEL
NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Freedom of Information Act
- 2) Code Citation: 2 Ill. Adm. Code 2701
- 3) Section Numbers: Adopted Action:

2701.10	New Section
2701.13	New Section
2701.16	New Section
2701.19	New Section
2701.21	New Section
2701.24	New Section
2701.27	New Section
2701.30	New Section
2701.Appendix A	New Appendix
2701.Appendix B	New Appendix

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.; Ill. Rev. Stat. 1987, ch. 127, par. 1004.01; Ill. Rev. Stat. 1987, ch. 111 2/3, par. 11-205.

- 5) Effective Date of Rules: July 10, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain incorporations by reference? No.

- 8) Date filed in Agency's Principal Office? June 29, 1990
- 9) Notice of Proposal Published in Illinois Register: na (see Section 4.01 of The Illinois Administrative Procedure Act)

- 10) Has JCAR issued a Statement of Objections to these rules? na (see Section 4.01 of The Illinois Administrative Procedure Act)

- 11) Differences between proposal and final version: na

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? na (see Section 4.01 of The Illinois Administrative Procedure Act)

- 13) Will this Rule replace an emergency rule currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

OFFICE OF PUBLIC COUNSEL
NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: The Rules establish the Agency's procedures for complying with The Freedom of Information Act.
- 16) Information and questions regarding these adopted rules shall be direct to:

Stephen Fogel
Office of Public Counsel
State of Illinois Center
100 West Randolph Street
Suite 11-300
Chicago, Illinois 60601
(312) 814-3903

The full text of the Adopted Rules begins on the next page:

OFFICE OF PUBLIC COUNSEL

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XL: OFFICE OF PUBLIC COUNSEL

PART 2701
FREEDOM OF INFORMATION ACT

Section

- 2701.10 Definitions and Abbreviations
- 2701.13 Freedom of Information Officer
- 2701.16 Requests for Public Records
- 2701.19 Response to Request for Public Records
- 2701.21 Appeal of Denial of Access to Public Records
- 2701.24 Inspection of Public Records
- 2701.27 Certification of Public Records
- 2701.30 Computer Stored Records
- 2701.Appendix A Office of Public Counsel Request for Public Records
- 2701.Appendix B Office of Public Counsel Fee Schedule for Copying Public Records

AUTHORITY: Implementing The Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.) and The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01), and authorized by The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 11-205).

SOURCE: Adopted at 14 Ill. Reg. 12543 , effective July 10, 1990.

Section 2701.10 Definitions and Abbreviations

The following definitions and abbreviations are applicable in the Office of Public Counsel's rules:

- a) "The OPC" or "OPC" or "the Office" refers to the Office of Public Counsel that is created in Article XI of The Public Utilities Act ("the PUA")(Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 11-101 et seq.).
- b) "The Public Counsel" refers to the person who is appointed as the Public Counsel under Section 11-202 of the PUA.

OFFICE OF PUBLIC COUNSEL

NOTICE OF ADOPTED RULES

Section 2701.13 Freedom of Information Officer

The Deputy Public Counsel is the Freedom of Information Officer. The Deputy Public Counsel's address and telephone number are:

Deputy Public Counsel
ATTENTION: Freedom of Information Officer
 Office of Public Counsel
 State of Illinois Center
 100 West Randolph Street
 Suite 11-300
 Chicago, Illinois 60601
 (312) 814-3903

Section 2701.16 Requests for Public Records

- a) Requests for public records in the custody of the OPC shall be submitted to the Freedom of Information Officer. Requests may be made in writing or orally, but an oral request does not trigger the provisions and time schedules in these rules. In order to be covered by these rules, a request for public records must be reduced to writing. When an oral request is made, the Freedom of Information Officer shall give the requester the form that should be used to reduce the oral request to writing. (The form is provided in Appendix A to Part 2701.) If necessary, the Freedom of Information Officer will help the requester fill out the form. Once an oral request has been reduced to writing, it shall be treated as a written request for all purposes. All requests must include the following:

- 1) the requester's full name, address, and telephone number at which the requester can be reached during normal business hours;
 - 2) a brief description, as specific as possible, of the public records sought; and
 - 3) an indication of whether the request is for inspection of public records, copying of public records, or both.
- b) In ordered to be considered for a waiver or reduction in the copying, certification, and postal fees, the requester must also state the specific purpose for the request and must identify the person or organization that he or she is representing.

OFFICE OF PUBLIC COUNSEL
NOTICE OF ADOPTED RULESOFFICE OF PUBLIC COUNSEL
NOTICE OF ADOPTED RULES**Section 2701.19 Response to Request for Public Records**

The Freedom of Information Officer is responsible for responding to all requests for public records. In responding to requests, the Freedom of Information Officer will follow the procedures and time schedules set out in The Freedom of Information Act ("the FOIA") (Illinois Revised Statutes, ch. 116, pars. 201 et seq.). If the Freedom of Information Officer gives notice that the request has been approved, in whole or in part, the officer will state the copying, certification, and postal fees, if any, that the OPC will charge. (The fee schedule is provided in Appendix B to Part 2701.) The documents will be made available after the fees, if any, are paid. If payment is not received within sixty days of the date that the OPC served notice on the requester that fees must be paid, the OPC shall consider the request withdrawn.

Section 2701.21 Appeal of Denial of Access to Public Records

- a) If the Freedom of Information Officer denies a request for public records, the requester may appeal the denial to the Public Counsel. An appeal is made by sending a written notice of appeal to:

Public Counsel
ATTENTION: FOIA Appeal
Office of Public Counsel
State of Illinois Center
100 West Randolph Street
Suite 11-300
Chicago, Illinois 60601.

- b) The notice of appeal shall include a copy of the original request, a copy of the denial, and a statement of the reasons for granting the appeal. In responding to the appeal, the Public Counsel will follow the procedures and the time schedules that are set out in the FOIA. If the Public Counsel rules that the request has been approved, in whole or in part, the Public Counsel will state the copying, certification, and postal fees, if any, that the OPC will charge. (The fee schedule is provided in Appendix B to Part 2701.) The documents will be made available after the fees, if any, are paid. If payment is not received within sixty days of the date that the OPC served notice on the requester that fees must be paid, the OPC shall consider the request withdrawn. If an appeal is denied, the Public Counsel will explain the basis for the denial and will tell the requester how to obtain judicial review of the denial.

Section 2701.24 Inspection of Public Records

All public records in the OPC's custody will be made available for inspection during normal office hours. The OPC will cooperate with the requester in arranging for the inspection to take place in either the OPC's Chicago office or the OPC's Springfield office. OPC employees may be present throughout the inspection. A requester may be prohibited from bringing brief cases, folders, and the like into the inspection room. During the inspection, the requester should identify the documents that he or she wants copied. All copying will be done by OPC employees or by the OPC's designees.

Section 2701.27 Certification of Public Records

When requested, the Freedom of Information Officer shall provide copies of public records appropriately certified as to their authenticity and accuracy. The certification fee is set out in Appendix B to Part 2701. In addition to the certification fee, there are also copying and postal fees as set out in Appendix B.

Section 2701.30 Computer Stored Records

When a request is made for public records that are stored on electronic data processing equipment, the Freedom of Information Officer will provide the requester with a computer printout of the requested records, and will also provide the requester with any information necessary to interpret and understand the printout. (The fee schedule for computer printouts is provided in Appendix B to Part 2626.)

Section 2701.APPENDIX A OFFICE OF PUBLIC COUNSEL REQUEST FOR PUBLIC RECORDS

Date of request: _____

Name: _____

Mailing address: _____

City, State, and zip code: _____

Daytime (8am - 5:30pm) telephone number: _____

OFFICE OF PUBLIC COUNSEL
NOTICE OF ADOPTED RULES

Whom are you representing? _____

Please state the specific purpose for the request: _____

Please identify the information that you would like to review: _____

Please state how you would like to review this material (circle the appropriate number):

1. I would like to inspect, but not copy, this material.
2. I would like a copy of this material.
3. I would like to inspect and copy this material.

If you want a certified copy of any of the documents that are being copied, please identify which documents you want certified: _____

OFFICE OF PUBLIC COUNSEL
NOTICE OF ADOPTED RULES

Additional comments: _____

Please sign your name _____

_____ Date of signature

Section 2701.APPENDIX B OFFICE OF PUBLIC COUNSEL FEE SCHEDULE
FOR COPYING PUBLIC RECORDS

Type of Copying

Paper copy of paper original
Paper copy of computer printout
Diskette copy of computer original

Charge Per Page*

\$.05**
\$.05**
actual cost of
diskette

Certification Fee*

The certification fee is \$1.00 for each document that is certified.

Postal Fee*

If the requester asks that copies of the public records be sent to him, postal charges will be assessed at the actual rate charged to the OPC.

* Payment of fees shall be waived if:

- (a) the requester is a constitutional officer or a member of the General Assembly;
- (b) the requester is a State Agency; or
- (c) the requester states the specific purpose for the request and indicates that (and explains why) a waiver of the fees is in the public interest, and if (i) fewer than 201 pages of documents need to be copied and no diskettes need to be used or (ii) fewer than 6 diskettes need to be used and no pages of documents need to be copied onto paper. If the purpose for the request is in the public interest but neither (c)(i) nor (c)(ii) is met, then all or some of the fees may be

OFFICE OF PUBLIC COUNSEL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED AMENDMENTS

waived or reduced if the waiver or reduction would not impose a budgetary burden on the OPC.

** If the amount of copying is voluminous, then the OPC may have to designate another State agency or a private business to do the copying. If someone other than the OPC does the copying, then the charge per page is the actual cost charged by the other State agency or private business.

1) Heading of the Part:

Asbestos Abatement for Public and Private Schools in Illinois

2) Code Citation:

77 Ill. Adm. Code 855

3) Section Numbers:

855.20
855.30
855.40
855.50
855.55
855.260
855.280
855.290
855.300
855.340
855.350
855.360
855.370

Adopted Action:

Amended
Repealed
Amended
Amended
Amended
Amended
Amended
Amended
Amended
Amended
Amended
Amended
Added

Appendix A Illustration

Illustration B

Appendix C Illustrations-Application Forms

Illustration A

Illustration B

Illustration C

Illustration D

Illustration E

Illustration F

Illustration G

Illustration H

Illustration I

Illustration J

Amended

Amended

Amended

Amended

Amended

Amended

Amended

Added

Added

Added

Added

4) Statutory Authority:

Asbestos Abatement Act

Ill. Rev. Stat. 1989, ch. 122, par. 1401 et seq.

5) Effective Date of Rules:

July 20, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐

8) Date Filed in Agency's Principal Office:

July 20, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

January 5, 1990 - 14 Ill. Reg. 172

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

A) Statement of Objection: ☐ Ill. Reg. ☐

B) Agency Response: ☐ Ill. Reg. ☐

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 855.20 "contained area" the Department will insert after the period "If more than mini enclosure is used on a project only one remote decontamination enclosure system will be required per building. Only one project manager and one project supervisor will be required. When more than one mini enclosure system is being used per building."

2. In Section 855.40(b) and 855.50(c), the Department will delete the words "July 31" "March 31", "August 1", "July 31" and insert "May 15", "January 15", "May 16" and "May 15". In Section 855.40(e) sixth sentence delete the word "July" and insert "May". In Section 855.40(e) last sentence delete the words "to May 1, 1990", "July 31, 1990." and insert "May 15 of each year." at the end of this sentence.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

3. In Section 855.40(c) and 855.290(b) the Department will insert the following after the last sentence. "The Employees of the Illinois Department of Public Health, Illinois Capitol Development Board and United States Environmental Protection Agency shall be exempt from licensure fees when said licenses are used only for purposes related to their agency employment."

4. In Section 855.50(e), the Department will delete the word "must" and insert "shall be notified to," delete the word "a" and insert "an additional" and insert "for a license and" between fee and to.

5. In Section 855.260(A)(6), the Department will delete the number "20" and insert the number "60".

6. In Section 855.260(b)(8) the Department will delete the second sentence and insert the following after the first sentence.

"The selected air volume shall provide statistically reliable results for a concentration of 0.01 f/cc when possible. This is not possible when the air is essentially asbestos free. In these situations NIOSH method 7400 Third Revision, May 15, 1989, should be strictly followed. In relatively clear atmosphere, where targeted fiber concentrations are much less than 0.1 fibers/cc, use larger sample volumes (3,000 to 10,000 l) to achieve quantifiable loadings" (see sampling, 4, note 1 of those standards.)

7. In Section 855.260(c) the Department will delete "Laboratory" and insert "analyst". In Section 855.260(c)(1) the Department will insert "individual or" between "the" and "Laboratory". In the title of Section 855.260 the Department will delete "Laboratory" and insert "analyst".

8. Section 855.360(c)(3) the Department will delete the second and third sentence and insert "or a Certified Industrial Hygienists Certificate". In Section 855.360(d)(1) we will insert the following after the first sentence. "All such planning shall be undertaken in compliance with the relevant provisions of the Illinois Architectural Act" (Ill. Rev. Stat. 1989, ch. 111, pars. 1201 et seq.), the Illinois Professional Engineering Act" (Ill. Rev. Stat. 1989, ch. 111, pars. 5101 et seq.) the "Illinois Structural Engineering Act", (Ill. Rev. Stat. 1989, ch. 111, pars. 6501 et seq.) and the "Illinois School Code" (Ill. Rev. Stat. 1988, ch. 122). Certified Industrial Hygienist may act as an asbestos project designers when a project design only applies to interior alterations of surface materials in an existing building which does not involve structural changes or changes to the electrical, heating, air conditioning, physical plant or associated piping. The project designer shall certify that the project design meets or exceeds all Federal, State, and local regulations and codes."

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

38. To add a comma after "or remove any name from" in the certification in Section 855.111 Illustration H.

39. To delete the apostrophe from "Project Manager's" in the certification in Section 855.111 Illustration H.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes X No

14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

15) Summary and Purpose of Rules:

Pursuant to the provisions of the Asbestos Abatement Act for Public and Private Schools in Illinois and pursuant to the rulemaking authority granted therein, the subjects and issues involved are as follows:

855.20 Definitions

"Asbestos" - the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

"Asbestos Abatement Contractor" - any entity that engages in the removal, enclosure, or encapsulation of asbestos containing materials for any school.

"Asbestos Containing Building Material or (ACBM)" - surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.

"Asbestos Inspector" - an individual licensed by the Department to perform inspections of schools for the presence of asbestos containing materials.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

"Asbestos Professional" - any individual who is licensed by the Department to perform asbestos related duties.

"Contained Area" - a work area with a controlled passage of workers, other personnel and authorized visitors.

"Director" - the Director of the Public Health.

"Encapsulation" - the treatment of ACBM with a material that surrounds or embeds asbestos fibers to prevent the release of fibers.

"Friable" - the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

"Management Plan" - a plan developed for a Local Education Agency for the management of asbestos in school buildings.

"Management Planner" - an individual licensed to prepare management plans.

"Person" - any individual, group of individuals, association, trust, partnership, corporation, individual or group of individuals doing business under an assumed name, asbestos professionals, public school district(s), private school(s).

"Project" - work being conducted in an individual school facility that is greater than three linear feet or three square feet.

"Project Designer" - an individual licensed to design response actions.

"Response Action Contractor" - any person that provides response action services.

"School Building" - any school facility suitable for a classroom, library, school eating facility, gymnasium, administration or research program, any maintenance, storage or utility facility, any portico or covered exterior hallway or walkway and any exterior portion of a mechanical system used to condition interior space.

"Supervisor" - shall be licensed as an asbestos worker and a supervisor.

855.30 - School Inspection and Hazard Assessment (Repealed)

855.40 - Corrective Action (Repealed)

855.40 - Application Requirements and Disciplinary Standards (New Section)

- a) Applies to Sections 855.55, 855.260, 855.340, 855.350 and 855.360.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) Expiration date and duplicate license fee of \$15.00.
- c) Nonrefundable \$50.00 fee. Sixty days to process.
- d) Reciprocity with other states. Reciprocity through Professional Regulations for Project Designers before applying.
- e) Renewal application, nonrefundable \$50.00 renewal fee, and refresher course certificates. Additional \$15.00 fee for renewal applicants received after August 1.

855.50 - Contractor Licensing

- b)(1) Specifies character references.
- b)(3) Clarification of training.
- c) Expiration date and duplicate license fee of \$250.00.
- d) Initial review fee of \$250.00.
- e) \$500.00 license fee.
- f) Reciprocity with other states.
- g) Renewal applications, nonrefundable \$500.00 fee and refresher course certificate.

855.55 - Supervisor Licensing and Responsibilities

- a) Qualifications are changed to outline form for clarification.
- b) Responsibilities are added.

855.260 - Asbestos Project Manager Licensing and Responsibilities, Air Sampling Professional Licensing and Responsibilities and Laboratory Services.

- a)(1) Qualifications changed to outline form for clarification.
- b)(1)(A) CIH may submit their American Board of Industrial Hygiene certificate instead of degree and transcription.
- b)(2) ASP shall conduct or supervise.
- d)(8) Analyze by PCM or TEM depending on project date and size.
- C)(1) Correction made by requiring lab to be proficient in (PAT) or (AAR). 855.280 - Fines and Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

855.280 - Fines and Penalties

Changed to person instead of contractor.

- c) For person acting as asbestos professional, fines shall be assessed per violation, with six months suspension from making application for licensure.

855.290 - Asbestos Worker Licensing

- a)(1)(3) Examination shall be passed at conclusion of the course.
- b) Refresher course needed if certificate is expired.
- d) Refresher course exam required, effective August 1, 1990. Two (2) years grace period for renewal instead of three (3) years.

855.300 - Training Course Accreditation

- a) Inspector, management planner, project designer, contractor/supervisor and worker training courses shall be accredited by the Department. Air sampling professional training courses shall be registered with the Department. The Department will provide a list of accredited courses.
- b) Training course providers shall apply for accreditation by submitting training course, review fee, and application.
 - b)(5) Refresher course requires examination, effective August 1, 1990.
 - c)(1) Requires \$500.00 fee for training course application review.
 - c)(2) Requires \$500.00 for renewal. \$100.00 late fee.
 - c)(4) US EPA fully approved refresher course shall be grandfathered in with the receipt of \$500.00 before August 1, 1990.
 - d)(1) Refresher course applicant must be accredited or an applicant of a training course specific to its' discipline.
 - d)(3) Requires \$250.00 refresher course review fee.
 - d)(4) Requires \$250.00 refresher course renewal fee.
 - d)(6) US EPA fully approved refresher course shall be grandfathered in with the receipt of \$250.00 before August 1, 1990.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- e) Two types of accreditation.
 e)(1) Contingent accreditation.
 e)(2) Full accreditation.
 f) Fifteen (15) days to request a hearing if denied accreditation.
- 855.340 - Inspector Licensing
- b) Clarification of qualifications.
- 855.350 - Management Planner Licensing and Responsibilities
- c) Clarification of qualifications.
- 855.360 - Project Designer
- c) Clarification of qualifications.
- e) Responsibilities are further specified.
- Appendix A: Illustration B - Notice of Asbestos Abatement - Requires Estimated Cost of Abatement to be included and also the Estimated Cost of the Total Project from Building Owner
- Appendix C: Illustrations A through D and F - \$50.00 fee is required with application

- Appendix C: Illustration E - \$500.00 fee is required with application
- Appendix C: Illustration H - Application for Project Manager
- Appendix C: Illustration I - Application for the Training Course Accreditations
- Appendix C: Illustration J - Application for Refresher Course Accreditation

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER P: HAZARDOUS AND POISONOUS SUBSTANCEPART 855
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE
SCHOOLS IN ILLINOIS

Section	
855.10	Incorporation by Reference-Federal Regulations and Other Standards
855.20	Definitions
855.30	School Inspection and Hazard Assessment (Repealed)
855.40	Application Requirements and Disciplinary Standards
855.50	Contractor Licensing Use
855.55	Supervisor's Licensing and Requirements
855.60	Submittals and Notices
855.70	Alternative Procedures and Variances
855.80	Personnel Protection
855.90	Workplace Entry and Exit Procedures
855.100	Equipment and Waste Container Removal Procedures
855.110	Building Protection
855.120	Materials and Equipment
855.130	Work Area Preparation and Demolition of a Facility
855.140	Worker Decontamination Enclosure System
855.150	Equipment Decontamination Enclosure System
855.160	Separation of Work Areas from Occupied Areas
855.170	Maintenance of Decontamination Enclosure Systems and Workplace Barriers
855.180	Commencement of Work
855.190	Removal Procedures
855.200	Encapsulation Procedures
855.210	Enclosure Procedures
855.220	Cleanup Procedures
855.230	Clearance Air Monitoring and Analysis
855.240	Disposal Procedures
855.250	Reestablishment of the Work Area and HVAC Systems
855.260	Responsibilities of the Asbestos Project Manager, Licensing and
	Responsibilities, Air Sampling Professional, Licensing and
	Responsibilities and Analyst Laboratory Services
855.270	Operations and Maintenance
855.275	Glovebag Procedures
855.280	Fines and Penalties
855.290	Asbestos Worker Licensing
855.300	Training-Requirements-and Training Course Approval Accreditation
855.310	Administrative Hearings
855.320	Emergency Stop Work Orders
855.330	State Funding and Priority Establishment
855.340	Inspector's Licensing Use

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 855.345 Procedures for School Inspections
 855.350 Management Planner Licensing ~~Accreditation~~ and Responsibilities
 855.355 Management Plan
 855.360 Project Designer Licensing ~~Accreditation~~ and Responsibilities
 855.370 Response Contractor Indemnification Fund
- Appendix A Illustrations
 Illustration A Notice of Asbestos Removal in Advance of Renovation
 Illustration B Notice of Asbestos Abatement
 Illustration C Addresses for Asbestos Renovation Notices in Illinois
 Illustration D Worker and Equipment Decontamination Systems
 Appendix B Illustrations - Inspection and Management Plan Forms
 Illustration A Building Inspection for Friable Materials and Nonfriable Materials
 Illustration B Inspection Report Form
 Illustration C Sampling Area Diagram (Ceiling and Floor)
 Illustration D Sampling Area Diagram (Boiler Room)
 Illustration E Random Sampling Table
 Illustration F Irregularly Shaped Random Sampling Area
 Illustration G Regular Shaped Random Sampling Area
 Illustration H Protocol for Asbestos Management Plan
 Illustration I Outline for Asbestos Management Plan
 Appendix C Illustrations - Application Forms
 Illustration A Application for the ~~Accredited~~ School Inspector's License ~~List~~
 Illustration B Application for the School Management Planner's License ~~List~~
 Illustration C Application for the School Project Designer's License ~~List~~
 Illustration D Application for the School Asbestos Abatement Project Supervisor's License ~~List~~
 Illustration E Application for the ~~Accredited-Asbestos Contractor's~~ License ~~List~~
 Illustration F Application for the School Air Sampling Professional's License ~~List~~
 Illustration G Application for the Asbestos Workers License
 Illustration H Application for the School Project Manager License
 Illustration I Application for the School Course Accreditation
 Illustration J Application for Refresher Course Accreditation

AUTHORITY: Implementing and authorized by the Asbestos Abatement Act (111. Rev. Stat. 1989, ch. 122, par. 1401 et seq.)

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective January 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency rules lapsed on May 30, 1990; amended at 14 Ill. Reg. 12552, effective July 20, 1990.

NOTE: Capitalization denotes statutory language.

Section 855.20 Definitions

"Abatement" means procedures to control fiber release from asbestos-containing materials. This includes removal, encapsulation, enclosure and repair.

"Act" means the Asbestos Abatement Act (Section 10 of the Act).

"Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.

"Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time. The procedure utilized for asbestos follows the NIOSH Standard Analytical Method for Asbestos in Air P&CAM 239 or Method 7400. In addition, transmission electron microscopy methods shall be utilized for lower detectability and specific fiber identification.

"Air Sampling Professional" means the professional contracted or employed by the School District or Building Owner to conduct air monitoring. This individual shall have a Bachelors Degree in the life, environmental or physical sciences or in engineering and three months of experience in general indoor air pollution sampling; or an individual without a degree shall have twelve months of experience in air sampling for asbestos on abatement projects. Both shall have completed NIOSH Course #582, "Sampling and Evaluating Airborne Asbestos Dust." or a course equivalent in length and content.

"Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least 3 feet such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination (See Illustration D).

"Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

9. In Section 855.360(d)(3) the Department will delete "directly responsible and therefore held liable for all asbestos abatement activities performed following his design specifications and plans and insert "responsible for the design specifications and plans prepared by them in accordance with applicable laws and standard of care required by those providing professional services."
10. In Section 855.300(e)(2) the Department will delete "for two years" between the words granted and after.
11. In Appendix C - Illustration E delete "\$50.00" and insert "\$250.00".
12. In Appendix C - Illustration F the Department will delete "\$500.00" and insert "\$50.00".
13. To add in Section 855.40(f)(5): after "Professional Engineers", "(Ill. Rev. Stat. 1989, ch. 111, pars. 5101 et seq.)", after the words "Structural Engineers", "(Ill. Rev. Stat. 1989, ch. 111, pars. 1201 et seq.)" and after the word "Hygienists", "(individuals who are certified by the American Board of Industrial Hygiene)."
14. To add the following sentence to Section 855.40(f)(5): "The Department will use findings by the Department of Professional Regulation, adverse civil or criminal findings in a circuit court."
15. To add the following text after the word "choose" in Section 855.370(b) "to seek indemnification under the Response Action Contractor Indemnification Act and" in Section 855.370(b) and delete the word "to" between "choose" and "submit".
16. To add the acronym "(ACM)" in its definition of "Asbestos-Containing Building Materials or (ACBM)" in Section 855.20.
17. To capitalize "section" in Section 855.40(d).
18. To delete "as required in subsection (c)(1)(2)" in Section 855.40(e), second to last sentence.
19. To change "performing" to "has performed" in Section 855.40(f)(2).
20. To revise its text to read: "Transmission Electron Microscopy (TEM)" in Section 855.260(b)(8).
21. To strike through the words "worker refresher course prior to license renewal" in Section 855.300(a).
22. To add the word "the" in the last sentence of Section 855.300(b)(5) before "initial training course."

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

23. To change "denial" in the notice at the end of Section 855.Appendix C, Illustration B and add "license" after "Management Planner".
24. To change the name of the "Office of Health Protection" in all illustration forms in this rulemaking to "Division of Environmental Health-Asbestos Section".
25. To show the "s" appearing in the Section 855.Illustration G text "Worker's" in the Table of Contents as stricken through.
26. To delete the apostrophe from "it's" in Section 855.50(h).
27. To revise "subsections (a)(b)(c)(d)" in Section 899.300(e)(1) and (e)(2) to be "subsections (a)-(d)".
28. To delete "s" from "designers" in Section 855.360(d), third sentence.
29. To place a comma after "Asbestos Act" in the "Important Notice" text in all illustrations in this rulemaking.
30. To show the "s" in "Management Planners" in the certification in Section 855.Illustration B as stricken.
31. To show a second period after "et seq." in the "Important Notice" text in all illustrations in this rulemaking.
32. To strike through "s" in "Project Designers" in the certification in Section 855.Illustration C.
33. To strike through "s" in "Project Supervisor's" in the certification in Section 855.Illustration D.
34. To strike through "s" in "Contractors" in the certification in Section 855.Illustration E.
35. To make "Air Sampling Professionals" singular in the certification in Section 855.Illustration F.
36. To delete the added "s" in the "Application for Asbestos Workers License" in Section 855.Illustration G and in the certification in that Illustration, to show the "s" stricken from "Asbestos Worker's License".
37. To delete the "s" from "APPLICATIONS FOR THE SCHOOL PROJECT MANAGER'S LICENSE LIST" in Section 855.Illustration H.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York, New York 10018.

"Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location. Area air sampling is conducted each day during an asbestos abatement project. Sampling locations include inside the work area, outside the work area, and outside the building.

"ASBESTOS" MEANS NATURALLY-OCCURRING-HYDRATED-MINERAL-SILICATES SEPARABLE-INTO-GOMMERGIALELY-USED-FIBERS--SPECIFICALLY CHRYSOTILE, AMOSITE, CROCIDOLITE, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE (Section 3(a) of the Act).

"ASBESTOS ABATEMENT CONTRACTOR" MEANS ANY PERSON THAT ENGAGES IN THE REMOVAL, ENCLOSURE, OR ENCAPSULATION OF ASBESTOS CONTAINING MATERIALS FOR ANY SCHOOL. (Section 3(h) of the Act).

"Asbestos-Containing Building Materials or (ACBM) (ACBM)" means material composed of asbestos of any type and in an amount greater than 1% by weight, either alone or mixed with other fibrous or nonfibrous materials, surfacing asbestos containing material or (ACM), thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building. (Section 3(f) of the Act).

"Asbestos-Containing Waste Material" means asbestos-containing material or asbestos-contaminated objects requiring disposal pursuant to Section 855.130.

"ASBESTOS INSPECTOR" MEANS AN INDIVIDUAL LICENSED BY THE DEPARTMENT TO PERFORM INSPECTIONS OF SCHOOLS FOR THE PRESENCE OF ASBESTOS CONTAINING MATERIALS. (Section 3(u) of the Act).

"Asbestos Material Manager" means an individual designated as the Building Owner's representative and responsible for the school's operations and maintenance plan.

"ASBESTOS MATERIALS" MEANS MATERIALS FORMED BY MIXING ASBESTOS FIBERS WITH OTHER PRODUCTS, INCLUDING BUT NOT LIMITED TO ROCK WOOL, PLASTER, CELLULOSE, CLAY, VERMICULITE, PERLITE AND A VARIETY OF ADHESIVES, AND WHICH CONTAIN MORE THAN 1% ASBESTOS BY WEIGHT. SOME OF THESE MATERIALS MAY BE SPRAYED ON SURFACES OR APPLIED TO SURFACES IN THE FORM OF PLASTER OR A TEXTURED PAINT. (Section 3(b) of the Act).

"Asbestos Professional" means an individual who is licensed by the Department to perform duties of contractor, inspector, management planner, project designer, project manager, project supervisor, air

sampling professional, or worker, as applicable.

"Asbestos Project Manager" means an individual designated as the Building Owner's representative and responsible for overseeing the asbestos abatement and project activities. This individual shall have successfully completed a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA approved courses.

"ASBESTOS WORKER" MEANS AN INDIVIDUAL WHO CLEANS, REMOVES, ENCAPSULATES, ENCLOSURES, HAULS OR DISPOSES OF FRIABLE ASBESTOS MATERIAL FROM SCHOOLS AS DEFINED IN THIS ACT (Section 3(p) of the Act).

"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Authorized Visitor" means the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Background Level Monitoring" means a method used to determine airborne asbestos fiber concentrations inside and outside a building prior to starting an asbestos abatement project.

"Building Owner" means the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance the Building Owner means the person in whom beneficial title is vested.

"Certified Industrial Hygienist (C.I.H.)" means an industrial hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room which is a part of the worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"Contained Area" means a work area with a decontamination enclosure system for the controlled passage of workers, other personnel and authorized visitors. If more than one mini enclosure is used on a project only one remote decontamination enclosure system will be required per building. Only one project manager and one project supervisor will be required when more than one mini enclosure system is being used per building.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"CONTRACTOR" MEANS AN ENTITY THAT ENGAGES IN CORRECTIVE ACTION SERVICES FOR ANY SCHOOL (Section 3(g) of the Act).

"GOUNGIL" MEANS THE ASBESTOS ABATEMENT GOUNGIL (Section 3(f) of the Act).

"Curtained Doorway" means a device which consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

"Decontamination Enclosure System" means a series of connected rooms, separated from each other by air locks, for the decontamination of workers, materials and equipment (See Appendix A: Illustration D).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH (Section 3(kn) of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH. (Section 3(kn) of the Act).

"Encapsulant (sealant)" means a liquid material which can be applied to asbestos-containing material and which temporarily controls the possible release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

"ENCAPSULATION" MEANS THE GOATING OR SPRAYING OF ASBESTOS MATERIAL WITH A SEALANT THE TREATMENT OF ACBM WITH A MATERIAL THAT SURROUNDS OR EMBEDS ASBESTOS FIBERS IN AN ADHESIVE MATRIX TO PREVENT THE RELEASE OF FIBERS, AS THE ENCAPSULANT CREATES A MEMBRANE OVER THE SURFACES (BRIDGING ENCAPSULANT) OR PENETRATES THE MATERIAL AND BINDS ITS COMPONENTS TOGETHER (PENETRATING ENCAPSULANT). (Section 3(lj) of the Act).

"ENCLOSURE" MEANS THE CONSTRUCTION OF AIR TIGHT WALLS AND CEILINGS BETWEEN THE ASBESTOS MATERIAL AND THE EDUCATIONAL FACILITY ENVIRONMENT, OR AROUND SURFACES COATED WITH ASBESTOS MATERIALS, OR ANY OTHER APPROPRIATE SCIENTIFIC PROCEDURE AS DETERMINED BY THE DEPARTMENT WHICH PREVENTS THE RELEASE OF ASBESTOS MATERIALS. (Section 3(ki) of the Act).

"EPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a washroom and a holding area.

"Equipment Room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

"Fixed Object" means a unit of equipment or furniture in the work area which cannot be removed from the work area.

"FRIABLE" WHEN REFERRING TO MATERIAL IN A SCHOOL BUILDING MEANS THAT THE MATERIAL, WHEN DRY, MAY BE CRUMBLED, PULVERIZED, OR REDUCED TO POWDER BY HAND PRESSURE, AND INCLUDES PREVIOUSLY NONFRIABLE MATERIALS AFTER SUCH PREVIOUSLY NONFRIABLE MATERIAL BECOMES DAMAGED TO THE EXTENT THAT, WHEN DRY, IT MAY BE CRUMBLED, PULVERIZED, OR REDUCED TO POWDER BY HAND PRESSURE. (Section 3(g) of the Act). "FRIABLE ASBESTOS MATERIAL" MEANS ANY MATERIAL APPLIED ONTO CEILINGS, WALLS, STRUCTURAL MEMBERS, PIPING, DUCTWORK, OR ANY OTHER PART OF THE BUILDING STRUCTURES WHICH, WHEN DRY, MAY BE CRUMBLED, PULVERIZED OR REDUCED TO POWDER BY HAND PRESSURE (Section 3(d) of the Act).

"FRIABLE MATERIAL CONTAINMENT" MEANS THE ENCAPSULATION OR ENCLOSURE OF ANY FRIABLE ASBESTOS MATERIAL IN A FACILITY. (Section 3(jh) of the Act).

"Glovebag Technique" means a method for removing three (3) linear feet or less of friable asbestos-containing material from heating, ventilation, and air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces in a noncontained work area. The glovebag assembly is a manufactured device consisting of a glovebag (constructed of 6-mil transparent plastic), two inward-projecting long-sleeve rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"HEPA" means high efficiency particulate air.

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"HEPA Vacuum Equipment" means vacuuming equipment with a high

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

efficiency particulate air filter system.

"Holding Area" means a chamber in the equipment decontamination enclosure located between the washroom and an uncontaminated area.

"Homogeneous Material" means a substance that is uniform in structure and composition throughout which comprises a unique sample area. (e.g. boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area.

"Homogeneous Work Area" means a site within the abatement work area which contains one type of asbestos-containing material and where one type of abatement is used.

"MANAGEMENT PLAN" MEANS A PLAN DEVELOPED FOR A LOCAL EDUCATIONAL AGENCY FOR THE MANAGEMENT OF ASBESTOS IN ITS SCHOOL BUILDINGS PURSUANT TO THE FEDERAL ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986 AND THE REGULATIONS PROMULGATED THEREUNDER. (Section 3(r) of the Act). ~~the inspection-report, laboratory-test-analyses and-response-actions-to-be-taken-by-the-local-Educational-Agency-(LEA) when-Asbestos-containing-Materials-(AGM)-is-in-the-building-~~

"MANAGEMENT PLANNER" MEANS AN INDIVIDUAL LICENSED THE PERSON AGGREGATED BY THE DEPARTMENT TO WRITE-ASBESTOS PREPARE MANAGEMENT PLANS. (Section 3(s) of the Act). ~~FOR THE LOCAL-EDUCATION-AGENCY (LEA):~~

"Movable Object" means a unit of equipment or furniture in the work area which can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant, low velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

"NESHAPS" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

"NIOSH" means the National Institute for Occupational Safety and Health CDC - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.

"NONFRIABLE" MEANS MATERIALS IN A SCHOOL BUILDING WHICH, WHEN DRY, MAY NOT BE CRUMBLED, PULVERIZED, OR REDUCED TO POWDER BY HAND PRESSURE. (Section 3(q) of the Act).

"Operations and Maintenance" means a simple cost or no cost program

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

of work to keep a building and its component parts in a state of good repair.

"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.

"Outside Air" means the air outside buildings and structures.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, asbestos professional, public school districts, private schools or any other entity.

"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001).

"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics as recommended by the Department through a variance request.

"Project" means work that is greater than three linear feet or three square feet being conducted in a school facility.

"Project Activities" means activities taking place when the contractor or his designee and supplies and equipment for asbestos abatement are present at the abatement site.

"PROJECT DESIGNER" MEANS AN INDIVIDUAL LICENSED THE PERSON AGGREGATED BY THE DEPARTMENT TO ~~PLAN-~~THE-ASBESTOS-ABATEMENT~~ PROJECTS-FOR-~~THE-LEA~~~~, DESIGN RESPONSE ACTIONS FOR SCHOOL BUILDINGS. (Section 3(t) of the Act).

"Removal" means the stripping of any asbestos-containing materials from surfaces or components of a facility or taking out structural components in accordance with 40 CFR 61 Subparts A and M.

"Repair" means to rewrap or tape damaged pipe and boiler insulation.

"RESPONSE CORRECTIVE ACTION" MEANS A METHOD, INCLUDING REMOVAL, ENCAPSULATION, ENCLOSURE, REPAIR, OPERATIONS AND MAINTENANCE, THAT PROTECTS HUMAN HEALTH AND THE ENVIRONMENT FROM FRIABLE ACM. ~~REMOVAL; ENCAPSULATION; OR-ENCLOSURE; AND-WHEN-NE-NECESSARY-HEALTH-HAZARD-EXISTS; REPAIR-OR-MAINTENANCE-OF-FRIABLE-ASBESTOS MATERIAL-IN-AN-EDUCATIONAL-FACILITY (Section 3(e) of the Act).~~

"RESPONSE ACTION CONTRACTOR" MEANS ANY ENTITY THAT ENGAGES IN

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

RESPONSE ACTION SERVICES FOR ANY SCHOOL. (Section 3(i) of the Act).

"SCHOOL" MEANS ANY SCHOOL DISTRICT OR PUBLIC, PRIVATE OR NONPUBLIC DAY OR RESIDENTIAL EDUCATIONAL INSTITUTION THAT PROVIDES ELEMENTARY OR SECONDARY EDUCATION FOR GRADE 12 OR UNDER. (Section 3(c) of the Act).

"School Board" means the corporate body established by law to govern the school district.

"SCHOOL BUILDING" MEANS:

(1) ANY STRUCTURE SUITABLE FOR USE AS A CLASSROOM, INCLUDING A SCHOOL FACILITY SUCH AS A LABORATORY, LIBRARY, SCHOOL EATING FACILITY, OR FACILITY USED FOR THE PREPARATION OF FOOD. (2) ANY GYMNASIUM OR OTHER FACILITY WHICH IS SPECIALLY DESIGNED FOR ATHLETIC OR RECREATIONAL ACTIVITIES FOR AN ACADEMIC COURSE IN PHYSICAL EDUCATION. (3) ANY OTHER FACILITY USED FOR THE INSTRUCTION OR HOUSING OF STUDENTS OR FOR THE ADMINISTRATION OF EDUCATIONAL OR RESEARCH PROGRAMS. (4) ANY MAINTENANCE, STORAGE, OR UTILITY FACILITY, INCLUDING ANY HALLWAY ESSENTIAL TO THE OPERATION OF ANY FACILITY DESCRIBED IN THIS DEFINITION OF "SCHOOL BUILDING" UNDER ITEMS (1), (2), OR (3). (5) ANY PORCH OR COVERED EXTERIOR HALLWAY OR HALLWAY. (6) ANY EXTERIOR PORTION OF A MECHANICAL SYSTEM USED TO CONDITION INTERIOR SPACE. (Section 3(ga) of the Act).

"EDUCATIONAL FACILITY" MEANS:

STRUCTURES USED FOR THE INSTRUCTION OF SCHOOL-CHILDREN, INCLUDING CLASSROOMS, LABORATORIES, LIBRARIES, RESEARCH FACILITIES AND ADMINISTRATIVE FACILITIES.

SCHOOL EATING FACILITIES AND SCHOOL KITCHENS.

GYMNASIUMS OR OTHER FACILITIES USED FOR ATHLETIC OR RECREATIONAL ACTIVITIES, OR FOR COURSES IN PHYSICAL EDUCATION.

DORMITORIES OR OTHER LIVING AREAS OF RESIDENTIAL SCHOOLS.

MAINTENANCE, STORAGE OR UTILITY FACILITIES ESSENTIAL TO THE OPERATION OF THE FACILITIES DESCRIBED IN THE FOUR SUBSECTIONS ABOVE.

"SCHOOL PERSONNEL" MEANS ANY EMPLOYEE OF A SCHOOL. (Section 3(om) of the Act).

"Shall" means the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Staging Area" means the area near the waste transfer airlock where containerized asbestos waste has been placed prior to removal from the work area.

"Strip" means to remove friable or nonfriable asbestos materials from any part of the facility.

"Structural Member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

"STUDENT" MEANS ANY STUDENT ENROLLED IN A SCHOOL. (Section 3(pn) of the Act).

"Supervisor" means the contractor, foreman or person designated as the contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing material in an educational facility. This individual shall be licensed as an asbestos worker and supervisor.

"Surfactant" means a chemical wetting agent that when added to water will improve penetration and reduce fiber release.

"Tent Containment Area" means the plasticizing around the glovebag area with one layer of 6-mil plastic in the shape of a triangle or rectangle with enclosed ends.

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Washroom" means a room between the work area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water, and by afterward disposing of these cleaning tools as asbestos contaminated waste.

"Work Area" means designated rooms, spaces, or areas where any aspect of an abatement project is being conducted. ~~asbestos-is-being~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

removed, enclosed or encapsulated (See Illustration B):

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other and from the work area by airlocks and curtained doorways.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.30 School Inspection and Hazard Assessment (Repealed)

a) The Department shall conduct inspections of schools in the State to determine the presence of friable asbestos-containing materials. The presence of friable asbestos-containing materials shall be determined by inspections which include the collection of samples to determine asbestos content of friable materials; bulk samples shall be analyzed by polarized light microscopy (PLM). Samples shall be analyzed by a laboratory participating in the EPA bulk asbestos sample quality assurance program.

b) The Department shall determine when the presence of friable asbestos-containing materials poses a significant health hazard to school personnel or students. Such a determination shall be based upon information collected during the school inspection which shall include assessment of the following factors: material condition; water damage; exposed surface area; accessibility; room activity; air plenum or air stream; friability and asbestos content.

1) The presence of friable asbestos-containing materials shall be considered a significant health hazard when the asbestos content is greater than 1% and when the materials are subject to the following conditions:

- A) Damage or deterioration (e.g., evidence of cracking, delamination, or erosion);
- B) A high potential for future damage, disturbance or erosion because the materials are accessible to students (e.g., exposed area that can be disturbed by touch);
- C) Vibration due to a high level of student activities (e.g., music, recreation, vocational training areas);
- D) Any of the conditions in Section 855.30(b)(1)(A), (B), or (C) in the air stream or plenum;
- 2) The presence of friable asbestos-containing pipe and boiler

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

insulation shall be considered a significant health hazard when the asbestos content is greater than 1% and the materials are excessively damaged and deteriorated (e.g., the pipe wraps are and the asbestos-containing materials are cracked or broken and the materials are separated from the substrate). Damaged and undeteriorated pipe and boiler insulation shall not be considered friable. However, such insulation shall be considered to be asbestos-containing and shall be labeled as asbestos pursuant to Section 855.270(e).

(Source: Repealed at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.40 Application Requirements and Disciplinary Standards/Corrective Action

- a) If the Department determines that friable asbestos-containing materials are present in an educational facility, the Department shall order the School Board or Building Owner to take corrective action in accordance with the rules of this Part. Corrective Action shall be as follows:
 - 1) Friable asbestos-containing surfacing and ceiling materials shall be removed when determined to be a significant health hazard under Section 855.30(b).
 - 2) Friable and slightly friable (e.g., cementitious) asbestos-containing surfacing and ceiling materials shall be encapsulated or an operations and maintenance program instituted in accordance with Section 855.270 when the conditions in Section 855.30(b) do not exist.
 - 3) Friable asbestos-containing pipe and boiler insulation shall be removed when determined to be a significant health hazard under Section 855.30(b). In all other cases, friable asbestos-containing pipe and boiler insulation shall be repaired.
 - 4) An enclosure may be used in lieu of encapsulation or repair when asbestos-containing materials are located in a small area (e.g., a column, vertical pipe).
- b) If asbestos-containing materials are encapsulated, enclosed or repaired, an operations and maintenance program shall be instituted in accordance with Section 855.270.

a) The following requirements apply only to Sections 855.55, 855.260, 855.340, 855.350, 855.360.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

b) All licenses shall expire on May 15 of each year except licenses issued after January 15 and before May 16 shall expire on May 15 of the following year. The licensee shall be charged a fee of \$15.00 for the issuance of a duplicate license.

c) Application. Each person desiring licensure shall make application on forms provided by the Department. Each application shall be accompanied by a \$50.00 fee and the requirements listed in each licensed discipline section. The Department shall have 60 days to process the application and issue a license. The employees of the Illinois Department of Public Health, the Illinois Capital Development Board, and the United States Environmental Protection Agency shall be exempt from licensure fees when said licenses are used only for purposes related to their agency employment.

d) Reciprocity. Each applicant for licensure who is licensed or certified in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in this State. Each applicant for licensure pursuant to this Section shall submit an application accompanied by a \$50.00 fee. Reciprocity of Architectural, Engineering and Structural Engineering License shall be issued by the Illinois Department of Professional Regulation before applying for a project designer license.

e) Renewal of license. Any license issued pursuant to these rules may be renewed if the licensee submits the renewal application, a \$50.00 fee, and a certificate of completion from either a US EPA or state accredited refresher course for that discipline. These shall be submitted at least 30 days prior to the expiration date of the license. (The Project Designer licensee must also submit certificates of completion from both a US EPA or state accredited half-day refresher course for inspectors and a US EPA or state accredited half-day refresher course for management planners.) Effective August 1, 1990, passing the refresher course examination will be required. The refresher course shall have been completed within one year prior to the date of application or license expiration date. If a renewal application is received after May 1, the applicant shall pay a late fee of \$15.00 in addition to a renewal fee of \$50.00. An applicant whose license has expired for a period less than two (2) years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees, plus a reinstatement fee of \$15.00. A license which has expired for more than two (2) years may be restored only by successfully passing a US EPA or state approved course. Effective

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

January 1, 1990 all accreditation will expire on May 15 of each year. The Department shall provide written notice via certified mail of its decision to deny inclusion on or remove a person from the list of licensed asbestos disciplines. The applicant shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon one or more of the following reasons:

- 1) The person has falsified information on the application for licensure.
- 2) The person has performed duties outside the areas for which he is licensed.
- 3) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.
- 4) The person has violated any provision of the Asbestos Abatement Act or any provision of the rules of this Part.
- 5) The person has violated the registration and license standards for Professional Engineers (Ill. Rev. Stat. 1989, ch. III, pars. 5701 et seq.) Structural Engineers (Ill. Rev. Stat. 1989, ch. III, pars. 6501 et seq.), Architects (Ill. Rev. Stat. 1989, ch. III, pars. 1201 et seq.) and Certified Industrial Hygienists (Individuals who are certified by the American Board of Industrial Hygiene). The Department will use findings by the Department of Professional Regulation, adverse civil or criminal findings in a circuit court.

(Source: Section Repealed, New Section added at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.50 Contractor Licensing List

- a) The Department shall prepare and maintain a list of licensed ~~certified~~ asbestos abatement contractors. The list shall be made available to all School Boards or Building Owners and shall be used to select an asbestos abatement contractor. The contractor shall possess the qualifications detailed in Section 855.50(b).
- b) A Contractor who wishes to be included on the Department's list of licensed ~~certified~~ asbestos abatement contractors shall submit the following information to the Department:
 - 1) A list of 3 character references.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) A CERTIFICATE OF FINANCIAL RESPONSIBILITY DOCUMENTING THAT THE CONTRACTOR CARRIES LIABILITY INSURANCE, SELF INSURANCE, GROUP INSURANCE, GROUP SELF INSURANCE, A LETTER OF CREDIT, OR A BOND IN THE AMOUNT OF AT LEAST \$500,000 FOR WORK PERFORMED PURSUANT TO THE ASBESTOS ABATEMENT ACT AND RULES. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE STATUS OF THE CERTIFICATE WHICH HAS BEEN FILED INCLUDING EXPIRATION, RENEWAL OR ALTERATION OF THE TERMS OF THE CERTIFICATE (Section 15(a) of the Act).
- 3) Evidence of successful completion, including passing the examination, of a US EPA or state approved contractor/supervisor four (4) day training course. training course and examination by the contractor and designated supervisors covering the practices and procedures for asbestos control equivalent in length and content to the EPA-funded courses. If the contractor/supervisor course was taken more than one year prior to application, a copy of a certificate of completion from an approved one day (8 hour) contractor/supervisor refresher course must be provided with the application. Each contractor shall maintain on file with the Department a list of employed supervisors meeting the requirements of Section 855.55.
- 4) Evidence that asbestos workers have an "Asbestos Worker License" as required by Section 855.290.
- 5) A list of prior contracts for asbestos abatement projects, including dates, names, addresses, and telephone numbers of building owners for whom the projects were performed. A Contractor shall have a minimum of one year experience in asbestos abatement contracting. A new contractor is eligible to qualify if employer references demonstrate a minimum of one year experience in asbestos abatement project supervision, or by employing a supervisor with a minimum of one year experience in asbestos abatement project supervision. Evidence of experience must accompany the application. Affidavit of experience will be submitted from persons who you supervised including architects, engineers, project managers, air sampling professionals and representatives of owners for whom projects were performed.
- 6) Evidence of air monitoring data taken during and after completion of previous asbestos abatement projects in accordance with 29 CFR 1910.1001(e). Provide evidence of final air monitoring results from ten (10) complete asbestos abatement projects. Evidence of air monitoring data must have the name of the company who analyzed the final air monitoring results. All final results shall be below .01 f/cc.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.1001.
- 8) A description of any asbestos abatement projects which were prematurely terminated or not completed, including the circumstances surrounding termination.
- 9) A list of any contractual penalties which the contractor has paid for breach or noncompliance with contract specifications, such as overruns of completion time or liquidated damages.
- 10) Copies of any and all citations levied against the contractor by any Federal, state or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date(s), and a description of how the allegations were resolved.
- 11) A description detailing all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his past or present employees for asbestos-related activities.
- 12) A completed the Department's application.
- c) All licenses shall expire on May 15, of each year except licenses issued after January 15, and before May 16, shall expire on May 15, of the following year. The licensee shall be charged a \$15.00 fee for the issuance of a duplicate license.
- d) Application. Each company desiring licensure as an asbestos abatement contractor shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a \$250.00 fee for the initial review. The Department shall process the application within 120 days.
- e) Successful applicants shall be notified to submit to the Department an additional \$500.00 fee for a license and to be included on the list of IDPH licensed contractors.
- f) Reciprocity. Each applicant for licensure who is licensed or certified for asbestos contracting in another state may request the Department for licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

requirements for licensure in this State. Each applicant for licensure pursuant to this subsection shall submit an application accompanied by a \$750.00 fee.

- g) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and \$500.00 fee required by subsection (c), a certificate of completion from an approved one day (8 hour) contractor/supervisor refresher course, and a current insurance certificate within thirty (30) days prior to expiration of the license. The refresher course shall have been completed within one year prior to the license expiration date. If a renewal application is received after July 1, the applicant shall pay a late fee of \$100.00 in addition to the renewal fee. An applicant whose license has expired for a period less than two (2) years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed licensed fees, plus a reinstatement fee of \$100.00. A license which has expired for more than two (2) years may be restored only by reapplying.

he) The Department shall provide written notice, via certified mail, of its decision to deny inclusion on or remove a Contractor from the list of asbestos abatement contractors. The applicant shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

- 1) Conviction of the Contractor, or if the Contractor is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of any person designated to manage or supervise the asbestos abatement activities, of a felony, or two or more misdemeanors involving fraudulent activities, or of laws relating to construction or the building trades in general in the last five years.
- 2) The licensure status or record of the Contractor, or if the Applicant is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of any person designated to manage or supervise the asbestos abatement activities, in Illinois or from any other state where the Applicant has done business in a similar capacity which indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health.
- 3) The Contractor has failed to complete an asbestos abatement project due to insufficient financial resources to operate and conduct the asbestos abatement activities.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 4) Violation of any provision of the Asbestos Abatement Act or of any provision of the rules of this Part.

d) The contractor shall submit evidence of retaining which includes an eight (8) hour (one day) annual refresher course covering the practice and procedures for asbestos control, the Department will accept as evidence of retaining, a certificate of completion from an EPA approved course.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.55 Supervisor's Licensing and Requirements

The supervisor shall submit to the Department evidence of the following requirements:

- a) A completed application. The Department shall issue a "Supervisor License" to qualified applicants. In order to qualify, an applicant shall:

- 1) Provide evidence that the applicant is a licensed asbestos worker.
- 2) Submit to the Department a certificate of successful completion of a US EPA or state approved contractor/supervisor four (4) day training course. If the contractor/supervisor course was taken more than one year prior to application, a copy of a certificate of completion from an approved one day (8 hour) contractor/supervisor refresher course shall also be provided.
- 3) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without the identification photograph.
- b) Successful completion of a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA approved courses. All EPA approved courses may be found in the October 30, 1987, and the February 10, 1987, Federal Register. The Department will develop a list of EPA approved courses and will make it available upon written request.
- e) Retaining which includes an eight (8) hour (one day) annual refresher course covering the practices and procedures for asbestos control.
- b) The Asbestos Project Supervisor shall be the contractor's designated representative who is licensed by the State of Illinois, and shall be responsible for carrying out the following activities:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Assist in decision-making regarding selection of procedures.
- 2) Review variance requests in accordance with Section 855.70.
- 3) Ensure that all project activities are conducted in accordance with the requirements of the Act and those rules.
- 4) Supervise project activities at all times during the course of the abatement.
- 5) Meet with Project Manager daily to review work progress and solve problems or adjust procedures as appropriate.

c) One project supervisor per contained area is required.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.260

Responsibilities of the Asbestos Project Manager, Licensing and Responsibilities, Air Sampling Professional, Licensing and Responsibilities and Analyst Laboratory Services

a) Asbestos Project Manager

- 1) The Department shall issue an "Asbestos Project Manager License to qualified applicants. In order to qualify an applicant shall: The Asbestos Project Manager shall submit to the Department evidence of successful completion of a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA-funded courses. The Asbestos Project Manager shall provide the Department evidence of one year, on-site, working experience in building construction projects or three months, on-site, working experience on asbestos abatement projects. Retraining for the Asbestos Project Manager shall include providing the Department with a certificate of an eight (8) hour (one-day) annual refresher course of continuing education specifically covering the practice and procedures of asbestos.

- A) Submit to the Department a certificate of successful completion of a US EPA or state approved contractor/supervisor four (4) day training course and examination. If the contractor/supervisor course was taken more than one year prior to application, a copy of a certificate of completion from a US EPA or state approved one day (8 hour) contractor/supervisor refresher course shall be submitted.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) Provide the Department evidence of one year, on-site working experience in building construction projects or three months, on-site, working experience assisting the licensed project manager on asbestos abatement projects.
- C) Submit a completed application to the Department.
- D) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without the identification photograph.

Complete an application and submit it to the Department.

- 2a) The Asbestos Project Manager shall be the Building Owner or a designated representative, and shall be responsible for carrying out the following activities:

- A) Assist in decision making regarding selection of procedures.
- B) Assist in writing contract specifications and variance requests for the abatement project(s).
- C) Assist in evaluation of bids and selection of a contractor.
- D) Enforce contract specifications.
- E) Inspect and approve barriers and decontamination enclosure systems.
- F) Observe project activities at all times during the course of abatement.
- G) Meet with the Contractor daily to review work progress and solve problems or adjust procedures as appropriate.
- H) Perform all workplace inspections and clearance inspections for the Building Owner.
- I) Report on abatement activities to the Building Owner and/or School Board.
- J) Request, review and maintain Contractor submittals according to Sections 855.60 and 855.180.
- K) The Project Manager shall go inside the abatement project at least once every two hours to inspect ongoing removal of asbestos containing material.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 3) One Project Manager shall be required per contained area.
- 4) The Asbestos Project Manager shall have the authority to stop any job activities not performed in accordance with contract specifications and any provisions of the rules of this Part. The Building Owner and Department shall be notified verbally, within 24 hours of the work stoppage, by the Asbestos Project Manager. A written report shall follow reported to the Building Owner with a description of the activity, reason for stoppage and possible means for correcting the problem.
- Agency Note: The Asbestos Project Manager should be selected as early as possible prior to selection of the Contractor to enable participation during the pre-bid conference, walk-through, and pre-construction conference.
- 5) The Asbestos Project Manager shall keep a daily log of onsite observations concerning contractor's compliance with activities required under the rules of this Part. This log shall be legible and made available upon request at all times to the School Board or Building Owner, the architect/engineer and to appropriate local, state and federal agencies.
- 6) A comprehensive final report, consisting of observations, air monitoring results and contractor's submittals according to Sections 855.60 and 855.180 shall be submitted to the School Board or Building Owner, the Contractor, and the Department within 60 20 working days following final clearance testing.
- b) Air Sampling Professional (ASP)
- 1) The Department shall issue an "Air Sampling Professional License" to qualified applicants. In order to qualify, an applicant shall: the Air Sampling Professional shall submit to the Department a resume indicating evidence of successful completion of NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content; a Bachelor's Degree in the field of environmental or physical sciences or in engineering and three months of experience in general indoor air pollution sampling; or in lieu of Degree shall have twelve months of experience in air sampling for asbestos on abatement projects.
- A) Submit to the Department a certificate of successful completion of the NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- B) Submit to the Department a copy of a transcript and evidence of obtaining a Bachelor's Degree in the life, environmental or physical sciences or in engineering. Certified Industrial Hygienists may in lieu of a degree submit their American Board of Industrial Hygienist Certificate.
- C) Submit to the Department written verification of 3 months experience in general indoor air pollution sampling; or in lieu of a degree, written verification of 12 months on-site experience in air sampling for asbestos on abatement projects.
- E) Submit a completed application to the Department.
- F) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without the identification photograph.
- 2) Complete an application and submit it to the Department.
- 2a) The Air Sampling Professional shall conduct or supervise all air sampling for the School Board or Building Owner.
- 3a) The ASP Air Sampling Professional shall conduct air sampling in accordance with the (NIOSH) National Institute for Occupational Safety and Health Method 7400.
- 4a) At any time, Air Sampling Professional may analyze air monitoring samples collected for clearance purposes by Phase Contrast Microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of Asbestos containing building materials (ACBM) that is less than or equal to 160 square feet or 260 linear feet.
- 6) Until October 7, 1989, air sampling professional may analyze air monitoring samples collected for clearance purposes by Phase Contrast Microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of ACBM that is less than or equal to 3,000 square feet or 1,000 linear feet.
- 5) From October 8, 1989, to October 7, 1990, air sampling professional may analyze air monitoring samples collected for clearance purposes by PCM to confirm completion of removal, encapsulation, or enclosure of ACBM that is less than or equal to 1,500 square feet or 500 linear feet.
- 6a) All projects larger than subsection (b)(5a) and (b)(7) of

this section shall be analyzed by Transmission Electron Microscopy (TEM). See Section 855.230 clearance air monitoring and analysis and October 30, 1987 Federal Register for more information.

79) The following schedule shall be utilized for air sampling during the project in addition to OSHA compliance monitoring:

- A) Background air samples shall be collected prior to the start of abatement activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.
- B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have impact on the number of samples necessary to monitor the Contractor's activities. The following are required minimums:
 - i) 2 Area Samples inside the work area including worker and equipment decontamination enclosure systems,
 - ii) 2 Personal Samples inside the work area,
 - iii) 2 Area Samples outside the work area in uncontaminated areas of the building including one at the entrance to the worker decontamination enclosure,
 - iv) 1 Area Sample at the exhaust of negative pressure ventilation equipment.

C) Agency Note: Decisions on the number of samples should be made with the advice of the Air Sampling Professional.

80) Area sampling shall be conducted using collection media and procedures in accordance with NIOSH-Standard-Analytical-Methods P-8-6AM-239 or NIOSH Method 7400. The selected air volume shall provide statistically reliable results for a concentration of 0.01 f/cc when possible. This is not possible when the air is essentially asbestos free. In these situations NIOSH method 7400 Third Revision, May 15, 1989, should be strictly followed. In relatively clear atmosphere, where targeted fiber concentrations are much less than 0.1 fibers/cc, use larger sample volumes (3,000 to 10,000 l) to achieve quantifiable loadings (see sampling, 4, note 1 of those standards.) the selected air volumes shall provide statistically reliable results for a concentration of 0.01 f/cc or lower. Air

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

samples shall be analyzed by Phase Contrast Microscopy or Transmission Electron Microscopy (TEM) depending on the size of the project.

91) Clearance air sampling shall be conducted following the cleaning phase of work (see Section 855.230). A sufficient number of samples shall be collected aggressively with portable fans circulating air in the work area to simulate actual use conditions to determine post-abatement air concentrations.

c) Analyst Laboratory Services

- 1) The individual or laboratory utilized for analyzing air samples shall be proficient in the NIOSH Proficiency Analytical Testing (PAT) or Asbestos Analyst Registry (AAR) program for asbestos analysis.
- 2) The period of time permitted between the collection of air samples and the availability of results shall be less than 24 hours for samples collected during abatement activities. Timetables for results of background and clearance air samples shall be established by the School Board or Building Owner.

d) Project Manager/Air Sampler Duties Combined

The Project Manager and Air Sampling Professional shall be two separate individuals for each project unless approved by the Department through a variance request.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.280 Fines and Penalties

- a) In addition to any other action authorized by the Act and this Part, the Department may assess fines against the person ~~Contractor~~ for violation of any provision of the Act or this Part ~~rules~~. The Department shall review each inspection report and stop work order according to criteria provided by this section to determine whether a fine will be assessed, the amount of any such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed.
 - 1) Whether a stop work order has been issued by the Department, and whether such order was strictly complied with by the person ~~Contractor~~.

NOTICE OF ADOPTED AMENDMENTS

12587
90

- 2) Whether the person ~~Contractor~~ has previously been cited for a violation of the Act or rules, except that any previously cited violation shall not be considered if such violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction, or if any previous citations for violations occurred more than three (3) years prior.
- 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment, to the person's ~~Contractor's~~ agents or employees, to the Building Owner, users, or occupants, or to the general public.
- 4) Whether the violation appears to be the result of any degree of negligence by the person ~~Contractor~~ or by the person's ~~Contractor's~~ agents or employees ~~or by any other person subject to the Contractor's contract or supervision.~~
- 5) Whether the person ~~Contractor~~ demonstrated good faith efforts (e.g. taking steps to correct or agreeing to correct the cited violations) to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation.
- c) Criteria to determine the amount of a fine are the following, and all amounts determined pursuant to the criteria shall be added together to determine the total fine against the person ~~Contractor~~:
 - 1) For each stop work order \$1,000, plus \$1,500 per work day during which such order is in effect and during which the condition upon which the order is based remains uncorrected.
 - 2) For each violation which in the opinion of the Department may cause or result in harm or injury to the health or safety of agents or employees of the person ~~Contractor~~ present at the work site \$100, multiplied by the number of such agents or employees present at the work site at any time on the date of violation (e.g. improper protective equipment under Section 855.80 or a contaminated clean room).
 - 3) For each violation which in the opinion of the Department may cause or result in harm or injury to the health or safety of the building owners, users, or occupants of the building \$100, multiplied by the number of such persons present at the work site or in the building at any time on the date of violation (e.g. a tear in a polyethylene barrier between a work area and an occupied area).

12588
90DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 4) For each violation which in the opinion of the Department may cause or result in contamination with asbestos fibers of any part of the building other than the work site \$1,000 (e.g. a tear in a polyethylene barrier).
 - d) Violation of any provision of the Asbestos Abatement Act or of any provision of the rules of this Part shall be issued as the following:
 - 1) First violation - the person ~~contractor~~ shall be issued a warning letter and a ~~minimum fine of \$50 to a maximum fine of \$1,000.~~
 - 2) Second violation - the person ~~contractor~~ shall be issued a fine according to Section 855.280. The repeat violation fine will be a minimum of \$1,000 plus a fine according to this Section.
 - 3) Third violation - the person ~~contractor~~ shall be issued a notice of removal from the list of licensed asbestos professionals asbestos-abatement-contractors.
 - e) Each day a violation exists shall constitute a separate violation.
 - f) The Department shall serve any notice of assessment of fine on the person ~~Contractor~~ in the same manner as any notice of license revocation provided pursuant to the Act and this Part, and the person ~~Contractor~~ shall have the same rights and opportunity for hearing as elsewhere provided pursuant to the Act and this Part. In the event the person ~~Contractor~~ does not request a hearing within the time allowed by the Act and this Part, the fine assessed shall be due in full at the expiration of time allowed to request hearing.
 - g) All fine assessments which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law (Ill. Rev. Stat. 1989 1987, ch. 110, pars. 3-101 et seq.), unless the person ~~contractor~~ has within that time filed proceedings in administrative review specifically appealing the fine assessment and unless the court has stayed the enforcement of the fine assessment.
- (Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)
- Section 855.290 Asbestos Worker Licensing
- a) An asbestos worker shall be licensed by the Department prior to engaging in asbestos abatement activities.
 - 1) The Department shall issue an "Asbestos Worker License" to

qualified applicants. In order to qualify, an applicant shall meet:

- A) Be at least 18 years of age, and
- B) Attend a US EPA or state accredited approved asbestos worker or contractor/supervisor course, and pass the examination administered at the conclusion of the course.

- C) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The licensee shall not be issued without identification photograph.

- G) Attain a score of at least 20% on a written examination consisting of 50 multiple-choice questions administered at the conclusion of the approved course.

- 2) All licenses shall be valid for a period of one (1) year after issuance, and shall expire on January 31 of each year, except licenses issued after October 31 and before February 1 January 31 shall expire on the next, following January 31 of the following year. The licensee shall be charged a fee of \$15.00 for the issuance of a duplicate license.

- b) Application. Each person desiring licensure as an asbestos worker shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a \$25.00 fee, which is nonrefundable and a certificate verifying satisfactory completion of the course required by subsection (a). If the training course was taken more than one year prior to application a copy of a certificate of completion for a US EPA or state approved one day (18 hour) refresher course must also be submitted. The Department shall have 60 days to process the application and issue a workers license. The employees of the Illinois Department of Public Health, the Illinois Capital Development Board, and the United States Environmental Protection Agency shall be exempt from licensure fees when said licenses are used only for purposes related to their agency employment.

- c) Reciprocity. Each applicant for licensure who is licensed or certified for asbestos abatement in another state may request the reciprocal Department for licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in this State. Each applicant for licensure pursuant to this Section shall submit an application accompanied by a fee of \$25.00, which is nonrefundable.

- d) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and a \$25.00 fee as required by subsection (b) and submits a certificate of completion from an US EPA or state approved one day (18 hour) worker refresher course as required by Section 855.300(a) within thirty (30) days prior to expiration of the license. Effective August 1, 1990, passing the refresher course examination will be required. The refresher course shall have been completed within one year prior to the license expiration date. If a renewal application is received after January February 1, the applicant shall pay a late fee of \$15.00 in addition to the renewal fee of \$25.00, which is nonrefundable. An applicant whose licensure has expired for a period less than 2 3 years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees, plus a reinstatement fee of \$15.00. A license which has expired for more than 2 3 years may be restored only by successfully passing an approved asbestos abatement training course and reapplying.

- e) The Department shall provide written notice via certified mail of its decision to deny licensure or revoke licensure from an individual. The individual shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

- 1) The person has falsified information on the application for licensure.
- 2) The person performing duties outside the areas for which he is licensed.
- 3) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.
- 4) The person has violated any provision of the Asbestos Abatement Act or of any provision of the rules of this Part.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.300 Training Requirements and Training Course Accreditation Approval

- a) All inspectors, management planners, project designers, contractors/supervisors or workers Asbestos workers shall complete a three-day approved training courses shall be accredited by the Department in accordance with this Part and with US EPA's Model Contractor Accreditation Plan (40 CFR 763, Subpart E, Appendix C).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

April 30, 1987. All air sampling professional training courses being conducted in the State of Illinois shall be registered with the Department prior to issuance and a one-day-(8-hour)-approved worker-refresher-course prior to license renewal in accordance with this part and 52-CCR-15880, 15881 and 15882 (April 30, 1987). The Department shall develop a list of all training courses and make this list available upon request.

- b) Any educational institution or other person entity may apply for accreditation approval of a three-day-asbestos-abatement-worker training course and a one-day-(8-hour)-worker refresher course by submitting the course content, review fee and written application to the Department. The information to be submitted shall include:
- 1) The name and address of the sponsor planning to conduct the training course, the name of a contact person and telephone number;
 - 2) A description of course location, course schedule, number of hours, dates, and course fees;
 - 3) A detailed outline of the course curriculum and the amount of time allotted for each topic;
 - 4) A description of the teaching methods to be used to present each topic, (i.e., lectures, discussions, demonstrations and audio-visual materials).
 - 5) Copies of written materials to be distributed including examination of fifty-(50)-multiple-choice-questions for the three-day course. The one-day refresher course will does not require examination effective August 1, 1990. The examination shall be the same number of multiple choice questions as required by the initial training course.
 - 6) A list of the types, brand names and quantities of respirators to be used to demonstrate and fit-test respirators;
 - 7) A description of the type and quantity of protective clothing to be used during hands-on demonstrations;
 - 58) A description of the materials to be used for hands-on demonstrations other than those described in Subsection (b)(7);
 - 79) A list of instructors and their qualifications;
 - 10) The location of the training course including address where

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

hands-on demonstrations will be conducted:

- 1) Instructor to student ratio for the classroom and hands-on demonstrations;

8) Example of a numbered certificate of successful completion of the course. The certificate shall include both the examination date and with an expiration date. Which will be the expiration date shall be one year after the date of examination completion.

- A) Three-day Training course certificates shall contain a statement indicating that the student passed the examination with a minimum score of 70%.
- B) One-day Refresher course certificates shall not contain a statement indicating that the student passed the examination with a minimum score of 70%--since examination is not required.

c) In order for a three-day training courses to be accredited approved, the applicant's course shall be in accordance with the following and US EPA 40 CFR 763, subpart E, Appendix C, "Asbestos Containing Materials in Schools: Model Accreditation Plan" (April 30, 1987) the following and content requirements in Section 855-308(a):

- 1) Review fee of \$500.00 shall accompany the applicant's course material.
- 1) The training course shall consist of a minimum of 3-days-of instruction with an approximate ratio of 75% classroom-time-to 25% hands-on demonstrations.
- 2) All training courses shall expire within one year from the date of accreditation. A renewal fee of \$500.00 shall be received by the Department prior to the course expiration date. If a renewal fee is received after the expiration date, the sponsor shall pay a late fee of \$100.00. An accredited training course which has expired for more than three months may be restored by reapplying. (See subsection (b)).
- 2) The ratio of students to instructors in the classroom portion shall not exceed 25 to one. The ratio of students to instructors in hands-on demonstrations shall not exceed ten (10) to one.
- 3) An instructor shall have experience in both the performance and

DEPARTMENT OF PUBLIC HEALTH

90

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

12594

90

evaluation-of-air-monitoring-programs-and-the-design-and implementation-of-respiratory-protection-programs-as documented.

- 3) All previously approved training courses (those fully approved by US EPA) shall be accredited with the receipt of \$500.00 by the Department before August 1, 1990. Subsection (c)(2) shall also apply to all grandfathered accredited courses.

- 4) The sections of the course concerning the health effects of asbestos shall be taught by either a physician, a nurse, a health educator, or another health professional.

- 5) The hands-on demonstrations shall be taught by a person having experience supervising asbestos workers. This person shall have had direct experience in the phases of asbestos abatement work including work area preparation, construction of barriers, the use of personal protective equipment, engineering controls, work practices, cleanup, disposal and decontamination.

- 6) The sponsor shall employ staff experienced in the discipline of designing, implementing and evaluating programs in either employee educational programs in occupational health and safety or vocational education programs.

- d) Content of Training Course. The initial training course shall provide, at a minimum, information on the following topics:

- 1) The physical characteristics of asbestos, including fiber size, aerodynamic characteristics and physical appearance.
- 2) The health hazards of asbestos, including the nature of asbestos related diseases, routes of exposure, dose response relationships, synergism between cigarette smoking and asbestos exposure, latency period for disease and health basis for standards.
- 3) Employee personal protective equipment, including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedures, methods for fit testing of the facepiece to face seal (positive or negative pressure fitting tests), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair), components of a respiratory protection program, selection and use of personal protective clothing, use, storage and handling of launderable clothing, nonslip footwear, gloves, eye

protection and hard hats;

- 4) Medical monitoring procedures and requirements included under OSHA (29-CFR-1910.1001 and 29-CFR-1910.134);

- 5) Air monitoring procedures and requirements included under OSHA (29-CFR-1910.1001), including a description of equipment and methods, reasons for air monitoring, types of samples and current standards;

- 6) Work practices for asbestos abatement activities, including purpose, construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques for mixing fiber-releases, use of wet methods and surfactants, use of negative pressure ventilation equipment, use of HEPA vacuums, and proper cleanup and disposal procedures; Work practice requirements as they apply to removal, encapsulation, enclosure and repair shall be discussed individually;

- 7) Personal hygiene, including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing gum or tobacco in the work area;

- 8) Additional safety hazards that may be encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces and noise;

- 9) The requirements, procedures and standards established by:

40-CFR-61-Subparts A and M;
29-CFR-1910.1001 and 29-CFR-1910.134;
29-CFR-1926.58;
40-CFR-763, and III,
77-III-Adm. Code-855.

- 10) Supervisors, training--Supervisors shall receive additional instruction covering the following topics:

- A) Contract specifications and bidding procedures, liability insurance and bonding, and legal considerations related to asbestos abatement;
- B) Establishing respiratory protection programs, medical surveillance programs, and EPA, OSHA, and State

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

record-keeping requirements:

de) In order for a one-day refresher courses to be accredited approved, the applicant's course shall be in accordance with the following and with US EPA 40 CFR 763, subpart E, Appendix C "Asbestos Containing Materials in Schools; Model Accreditation Plan" 52 FR 15881 through 15882 (April 30, 1987) submitting requirements in Section 855.300(f).

1) Applicant must be an accredited approved sponsor or applicant of a three-day-workers training course specific to that discipline.

2) The ratio of students to instructors shall not exceed 25 fifty-fifty to one.

3) Review fee of \$250.00 shall accompany the applicant's course. Instructors experienced as in Section 855.300(f)-(g) through (h).

4) Content:

A) Review of key aspects of the three-day course:

B) State of the Art procedures and equipment:

C) Update of State and Federal regulations:

D) Demonstration to enhance the course where needed:

4) All refresher training courses shall expire after (1) year. A renewal fee of \$250.00 shall be received by the Department prior to the refresher course expiration date. If renewal is received after the expiration date, the sponsor shall pay a late fee of \$50.00. A refresher course which has expired for more than three (3) months may be restored by reapplying.

5) All previously US EPA fully approved refresher courses shall be grandfathered into accreditation with the receipt of \$250.00 before August 1, 1990. Subsection (c)(2) shall also apply to all grandfathered accredited courses.

ef) The Department shall grant two types of accreditation approval:

1) Contingent accreditation provisional approval shall be granted to a sponsor which has submitted materials concerning course content, teaching methods and instructors qualifications

which meet the requirements as previously enumerated in subsections Section 855.300 (a)-(d) and 52 FR 15881 and 15882 (April 30, 1987). Contingent accreditation provisional approval shall expire after review by the Department. Within six months--instructors shall be approved in their area of expertise.

2) Full accreditation complete approval shall be granted for two years after the Department has granted provisional approval, has conducted an onsite observation and evaluation of a training course in progress at an Illinois location, and has determined that the sponsor's asbestos-abatement training course meets the requirements of subsections Section 855.300(a)-(d).

f) The Department shall provide written notice, via certified mail, of its decision to deny inclusion on or remove a training course sponsor from the list of training course sponsors. The applicant shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

1) Whether the person has been misrepresenting himself as an accredited training course sponsor in the State of Illinois or any other state.

2) Whether the person has violated the Consumer Fraud and Deceptive Business Practice Act. (Ill. Rev. Stat. 1989, ch. 121 1/2, par. 261 et seq.)

3) When determined by the Department that the course is not being conducted in accordance with the application approved by the Department.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.340 Inspectors--List Licensing

a) The Department shall prepare and maintain a list of licensed accredited school inspectors. The list shall be made available to all School Boards or Building Owners and shall be used to select school inspectors. A licensed accredited school inspector shall conduct the inspection of each educational facility.

b) The Department shall issue a "School Inspectors License" to qualified applicants. In order to qualify, an applicant shall: in order to qualify as a school inspector and be added to the Department's list of accredited school inspectors, an applicant shall:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Submit to the Department a certificate of successful completion of a US EPA or state approved course on Building Inspection. Have-attended-a-US-EPA-approved-course-on-Building-Inspection-and-succesfully-completed-the-examination---A-copy-of-the-document-verifying-successful-completion-must-be-submitted-to-the-Department---52-FR-15881-(Column-3-par.-11)(April-30,-1987) If the building inspection course is older than one year, then also provide with the application a copy of a certificate of completion from an approved half-day (4 hour) Building Inspector Refresher Course which has been completed within one year of the date of application.

- 2) Submit to the Department written verification of experience. Have a minimum of six months of experience inspecting buildings for asbestos-containing materials, or a minimum of one year and six months of experience in direct planning of construction projects and/or construction project inspection. Inspection experience is based on on-site experience, not total time employed. Submit evidence of experience in hours, not years or months.

- 3) Have a high school degree or Graduate Education Degree certificate.

- 4) Submit a completed application which is provided by the Department.

- 5) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

d) The-Department-shall-reserve-the-right-to-deny-inclusion-on-or-remove-an-inspector-from-the-list-of-school-inspectors---The-applicant-shall-have-fifteen-days-to-make-a-written-request-for-an-administrative-hearing-to-contest-the-Department's-decision---The-Department's-decision-shall-be-based-upon-the-following-reasons:

- 1) The-Applciant-shall-be-denied-inclusion-on-the-list-of-school-inspectors-if-he-does-not-meet-all-requirements-of-subsection (b)-of-this-Section:

- 2) The-inspector-shall-be-removed-from-the-list-of-school inspectors-for:

A) Failure-to-complete-an-inspection:

B) Failure-to-fulfill-all-obligations-of-Section-855.246:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) Failure-to-complete-the-refresher-course-as-required-in-subsection(f):

- B) Falsifying-information-on-the-application:

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.350 Management Planner Licensing Accreditation and Responsibilities

- a) The Department shall prepare and maintain a list of licensed accredited management planners. The list shall be made available to all School Boards or Building Owners and shall be used to select a management planner.

- b) In accordance with 40 CFR 763, an licensed accredited management planner shall prepare the asbestos management plan for an educational facility. This plan shall be prepared from the inspection report which contains the assessment done by the accredited inspector and the bulk sample analyses done by a US EPA approved laboratory. A list of US EPA approved laboratories is available upon request from the Department.

- c) The Department shall issue a "Management Planner License" to qualified applicants. In order to qualify, an applicant shall: qualifications-of-a-management-planner--in-order-to-qualify-as-an-accredited-management-planner--an-applicant-shall-submit-a-completed-application-attend-an-EPA-approved-course-on-Building-Inspection-and-Management-Planning-and-successfully-complete-the-examinations (52-FR-15881-(Column-3-par.-11)(April-30,-1987)

- 1) Submit to the Department a certificate of successful completion of a US EPA or state approved course on Building Inspection and Management Planning. If the building inspection course or management planning course is older than one year, then also provide with the application a copy of a certificate of completion from an approved half-day (4 hour) building inspector refresher and half day (4 hour) management planner course which has been completed within one year of the date of application. Hold-a-valid-illinois-architecture-licnese,illinois professional-engineer-licnese,illinois-structural-engineer license,or-industrial-hygienist-certificae,or

- 2) Submit to the Department a copy of an Illinois Architectural License; or an Illinois Professional Engineer license; or an Illinois Structural Engineer License, or Industrial Hygienists certificate, or Have-a-bachelor's-degree-or-higher-in-architecture,engineering-mathematics-or-science-and-meet-the-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

experience requirements of an accredited inspector, or

- 3) Submit to the Department a copy of transcript and Bachelor's Degree or higher in architecture, engineering, mathematics or science; and meet the experience requirements of an accredited Inspector; or Have a Bachelor's degree and two years of experience in asbestos inspections, instruction, project management, project design or other asbestos management and control activities.

- 4) Submit a Bachelor's Degree and written verification of two years experience in asbestos inspections, instructions, project management, project design or other asbestos management and control activities.

- 5) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

- d) A management planner shall complete a half-day refresher course as required for inspectors plus an additional half-day refresher course on management planning for annual recertification by the Department. A copy of the training certificates shall be submitted to the Department for this purpose. (62 FR 15881 (October 3, 1997) (April 30, 1997))

- de) Responsibilities of a management planner: A management planner shall develop the management plans for each school of his contract in accordance with Section 855.355.

- f) The Department shall reserve the right to deny inclusion on or remove a management planner from the Department's list of accredited school management planners. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

- 1) The applicant shall be denied inclusion on the list of school management planners if he does not meet all requirements of Subsection (e) of this section.

- 2) The management planner shall be removed from the list of school management planners for:

- A) Failure to complete a management plan;
B) Failure to fulfill all obligations of Section 855.355.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) Failure to complete the refresher courses as required in Section 855.350(d).

- B) Falsifying information on the application.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.360 Project Designer Licensing Accreditation and Responsibilities

- a) The Department shall prepare and maintain a list of licensed accredited project designers. The list shall be made available to all School Boards or Building Owners and shall be used to select a project designer.
- b) In accordance with 40 CFR 763, an accredited project designer shall plan the response actions to the ACM for the LEA.
- c) The Department shall issue a "Project Designer License" to qualified applicants. In order to qualify, an applicant shall:
Qualifications of an abatement project designer--in order to qualify as an accredited abatement project designer, an applicant shall:

- 1) Submit to the Department a certificate of successful completion of either a US EPA or state approved contractor/supervisor four (4) day training course or a US EPA or state approved project designer course. Have attended either the US EPA approved contractor/supervisor's four-day training course covering the practices and procedures for asbestos control or the three-day abatement project designer course and successfully completed the applicable examination. A copy of the documents verifying successful completion must be submitted to the Department. (62 FR 15881 (October 3, 1997) (April 30, 1997)). If the contractor/supervisor course or project designer course is older than one year, then also provide with the application a copy of a certificate of completion from an approved one day (8 hour) contractor/supervisor or one day (3 hour) project designer refresher course.

- 2) Submit to the Department a certificate of successful completion of US EPA approved courses on Building Inspection and Management Planning. Have attended US EPA approved courses on Building Inspection and Management Planning and successfully completed the examinations. A copy of the documents verifying successful completion must be submitted to the Department. (62 FR 15881 (October 3, 1997) (April 30, 1997)). If the Building Inspection or Management Planning course are older than one

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

year, then also provide with the application a copy of a certificate of completion from an approved half day (4 hour) Building Inspection and half day (4 hour) Management Planning refresher course.

- 3) Submit to the Department a copy of an Illinois Architectural License; or an Illinois Professional Engineer License; or an Illinois Structural Engineer License or a Certified Industrial Hygienists Certificate. Hold a valid Illinois Architecture-Engineer-Professional-Engineer-License; or an Illinois Structural-Engineer-License; or a Certified Industrial Hygienists License; or an Asbestos-Project-Designers when a project design may apply to interior alterations of surface materials in an existing building which does not involve structural changes or changes to the electrical, heating, air conditioning, physical plant or associated piping. The project designer shall certify that the project design meets or exceeds all Federal, State, local regulations and codes.

- 4) Submit a completed application which is provided by the Department.

- 5) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

- d) An abatement project designer shall complete a one-day refresher course on project design for annual recertification by the Department. A copy of the trainin certificate shall be submitted to the Department for this purpose. (62-FCR-15881-Column 3-par-111) April 30, 1987

de) Responsibilities of an abatement project designer:

- 1) The abatement project designer shall plan the abatement project in accordance with the response action of the management plans and all Federal and State rules governing such action (i.e., 40 CFR 61; 29 CFR 1910 and 1926 and this Part. All such planning shall be undertaken in compliance with the relevant provisions of the "Illinois Architectural Act" (111. Rev. Stat. 1989, ch. 111, pars. 1201 et seq.), the Illinois Professional Engineering Act" (111. Rev. Stat. 1989, ch. 111, pars. 5101 et seq.) the "Illinois Structural Engineering Act" (111. Rev. Stat. 1989, ch. 111, pars. 6501 et seq.) and the "Illinois School Code" (111. Rev. Stat. 1988, ch. 122). Certified Industrial Hygienist may act as an asbestos project designer when a project design only applies to interior alterations of surface materials in an existing building which does not involve structural changes or

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

changes to the electrical, heating, air conditioning, physical plant or associated piping. The project designer shall certify that the project design meets or exceeds all Federal, State, and local regulations and codes.

- 2) The abatement project designer shall design or directly supervise the specifications and plans for each individual project. These contract documents shall bear his I.D. Number and his handwritten signature.
- 3) The abatement project designer shall be responsible for the design specifications and plans prepared by them in accordance with applicable laws and standard of care required by those providing professional services.

- f) The Department shall reserve the right to deny inclusion on, or remove a project designer from the list of school project designers. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

- 1) The Applicant shall be denied inclusion on the list of school project designers if he does not meet all requirements of Subsection (e) of this section.
- 2) The abatement project designer shall be removed from the list of school project designers for

- A) Failure to complete an abatement project;
- B) Failure to complete the refresher course as required in Section 855.360(d);
- C) Falsifying information on the application;

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855.370 Response Contractor Indemnification Fund

- a) The Department shall review all contracts submitted by schools to verify whether the person is licensed by the Department.
- b) The local educational agency may choose to seek indemnification under the Response Action Contractor Indemnification Act and to submit an amount equal to 5% of the total value of the contract to the Department before the start of the project. The payment shall be delivered to the Division of Environmental Health, Illinois

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Department of Public Health, 525 West Jefferson, Springfield, IL. 62761 along with the contract to be reviewed. All checks shall be made payable to the Illinois Department of Public Health for deposit into that fund.

- c) Approval by the Department of any contract for inclusion in the indemnification fund does not in any way constitute endorsement of the terms of said contract, either legal or technical, nor does it constitute any guarantee by this Department of the contractor's ability to complete the terms of said contract.

(Source: Added at 14 Ill. Reg. 12552, effective July 20, 1990)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix A - Illustrations
Section 855.11 Illustration B - Notice of Asbestos Abatement

Date: _____

This form is to be completed in full and filed by the Contractor with the Department and the School Board or the Building Owner at least two weeks before the start of an asbestos abatement project.

CONTRACTOR

ID # _____

NAME: _____
ADDRESS: _____

SCHOOL DISTRICT OR BUILDING OWNER

BUILDING OWNER:
DISTRICT NAME & NUMBER: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____ PHONE: () _____

BUILDING INFORMATION

SCHOOL BUILDING NAME: _____ PHONE: () _____
SCHOOL BUILDING ID#: _____ COUNTY: () _____
ADDRESS OF BLDG: _____
CITY: _____ STATE: _____ ZIP: _____
SIZE OF BLDG: _____ FT² _____
USE OF BLDG: _____

ABATEMENT INFORMATION

ESTIMATED COST OF ABATEMENT _____
DESCRIPTION OF ASBESTOS CONTAINING MATERIAL: _____

APPROXIMATE AMOUNT OF ASBESTOS MATERIAL ON OTHER FACILITY COMPONENTS
(SQUARE FEET: IF NOT, SO STATE): _____

ABATEMENT TECHNIQUE: _____

ABATEMENT DATES START: _____ FINISH: _____

DISPOSAL SITE

LANDFILL NAME: _____
ADDRESS: _____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration A - Application for the Accredited School Inspector's
License List (Continued)

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

Signature of Applicant _____ Date _____

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING
DISCLOSURE OF INFORMATION THAT
IS NECESSARY TO ACCOMPLISH THE
STATUTORY PURPOSE AS OUTLINED
UNDER THE ASBESTOS ACT, ILL. REV.
STAT. 1989, CH. 122, PAR. 1401 ET SEQ.
PUBLIC ACTS 83-1225, DISCLOSURE
OF THIS INFORMATION IS MANDATORY.
FAILURE TO PROVIDE ANY INFORMATION
COULD RESULT IN DENIAL OF EXCLUSION
FROM THE INSPECTOR'S LICENSE
LIST. THIS FORM HAS BEEN APPROVED
BY THE FORMS MANAGEMENT CENTER.

IL 482-0730

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration A - Application for the Accredited School Inspector's
License List (Continued)

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO BUILDING INSPECTION

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

ASBESTOS COURSE COMPLETED

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
 Section 855, Illustration A - Application for the Accredited School Inspector's
 License List (Continued)

Course Title	Conducted By	Date Completed
1. _____	_____	_____
2. _____	_____	_____

(Applicant shall attach a copy of certificates received)

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
 Section 855, Illustration B - Application for the School Management Planner's
 License List

ID#

FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
 DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH-PROTECTION
 525 WEST JEFFERSON STREET
 SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL MANAGEMENT PLANNER'S LICENSE LIST
 \$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME

HOME ADDRESS (Street)

CITY _____ STATE _____ ZIP CODE _____

HOME TELEPHONE _____ COUNTY _____

(Area Code)

BIRTH DATE _____ / _____ SOCIAL SECURITY # _____ / _____

EMPLOYED BY _____

BUSINESS ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

BUSINESS TELEPHONE _____ COUNTY _____

(Area Code)

Attach a copy of your Illinois Architectural license, Illinois certificate of registration as a Professional Engineer, or National Certification as a Industrial Hygienist or a copy of your diploma with at least a Bachelor of Science in Engineering, Architecture, Mathematics or Science.

REFERENCES

NAME

ADDRESS

TELEPHONE

1. _____

Section 855 Appendix C Illustrations Application Forms
Section 855.11 Illustration B - Application for the School Management Planner's License List (Continued)

2. _____
3. _____

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for a ~~renewal of my name from the Department's list of approved~~ Management Planners License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT, ILL. REV. STAT. 1989, CH. 122, PAR. 1401 ET SEQ. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE MANAGEMENT PLANNER'S. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration B - Application for the School Management Planner's-
License List (Continued)

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration C - Application for the School Project Designer's
License List

ID#

FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH-PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL PROJECT DESIGNER'S LICENSE LIST
\$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME

HOME ADDRESS (Street)

CITY

HOME TELEPHONE

(Area Code)

BIRTH DATE

EMPLOYED BY

BUSINESS ADDRESS (Street)

CITY

BUSINESS TELEPHONE

(Area Code)

STATE

COUNTY

ZIP CODE

SOCIAL SECURITY #

STATE

COUNTY

ZIP CODE

Attach a copy of your Illinois Architectural license, Illinois certificate of
registration as a Professional Engineer.

ASBESTOS COURSE COMPLETED

Course Title

Conducted By

Date Completed

1.

2.

I hereby certify that the information submitted is true and valid, and I
understand that the Illinois Department of Public Health may deny my
application for a ~~renewal~~ ~~on-or-after~~ ~~my name from the Department's list~~
~~of approved Project Designers License~~ for knowingly making false or
fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration C - Application for the School Project Designer's License 649t (Continued)

Signature of Applicant Date
IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT, ILL. REV. STAT. 1989, CH. 122, PAR. 1401 ET. SEQ. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE PROJECT DESIGNER'S LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

IL 482-0730

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration D - Application for the School Asbestos Abatement Project Supervisor's License 649t

ID# FOR TOPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH-PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL ASBESTOS ABATEMENT PROJECT SUPERVISOR'S LICENSE
List \$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME
HOME ADDRESS (Street)
CITY STATE COUNTY ZIP CODE
HOME TELEPHONE (Area Code)
BIRTH DATE / / SOCIAL SECURITY # / /
EMPLOYED BY
BUSINESS ADDRESS (Street)
CITY STATE COUNTY ZIP CODE
BUSINESS TELEPHONE (Area Code)

Attach a copy of your Certificate along with the examination score from an EPA approved course for accreditation as a supervisor on an Asbestos Abatement Project.

ASBESTOS COURSE COMPLETED

Course Title Conducted By Date Completed
1.
2.

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for a inclusion-on-or-remove-my-name-from-the-Department's-list of-approved Project Designers License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
 Section 855, Illustration D - Application for the School Asbestos Abatement
 Project Supervisor's License List (Continued)

Signature of Applicant _____ Date _____

IMPORTANT NOTICE
 THIS STATE AGENCY IS REQUESTING
 DISCLOSURE OF INFORMATION THAT
 IS NECESSARY TO ACCOMPLISH THE
 STATUTORY PURPOSE AS OUTLINED
 UNDER THE ASBESTOS ACT, ILL. REV.
 STAT. 1989, CH. 122, PAR. 1401 ET SEQ.
 DISCLOSURE OF THIS INFORMATION IS
 MANDATORY. FAILURE TO PROVIDE ANY
 INFORMATION COULD RESULT IN
 DENIAL OF THE PROJECT SUPERVISOR'S
 LICENSE. THIS FORM HAS BEEN
 APPROVED BY THE FORMS MANAGEMENT
 CENTER.

IL 482-0730

(Source: Amended at 14 Ill. Reg. 12552, effective JULY 20, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
 Section 855, Illustration E - Application for the Accredited Asbestos
 Contractor's License List

ID#

FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
 DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH PROTECTION
 525 WEST JEFFERSON STREET
 SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ASBESTOS-ABATEMENT CONTRACTOR'S LICENSE LIST
 \$250.00 check or money order must accompany this Application

Type or Print

BUSINESS NAME _____
 HOME ADDRESS (Street) _____
 CITY _____ STATE _____ ZIP CODE _____
 BUSINESS TELEPHONE _____ / _____ COUNTY _____
 (Area Code)
 CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
 MAJOR BUSINESS ACTIVITY _____
 (e.g. General Contracting, Insulating, etc.)

TYPE OF OWNERSHIP (Check)
 Sole Proprietorship _____ Trust _____
 Partnership _____ Association _____ Other _____
 (Specify) _____

LIST OF OFFICERS

Name and Title	Address	SS#
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration E - Application for the Accredited-Asbestos
Contractor's License List (Continued)

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for company inclusion on or may remove my company from the Department's list of approved Asbestos Abatement Contractors License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING
DISCLOSURE OF INFORMATION THAT
IS NECESSARY TO ACCOMPLISH THE
STATUTORY PURPOSE AS OUTLINED
UNDER THE ASBESTOS ACT, ILL. REV.
STAT. 1989, CH. 122, PAR. 1401 ET SEQ.
DISCLOSURE OF THIS INFORMATION IS
MANDATORY. FAILURE TO PROVIDE ANY
INFORMATION COULD RESULT IN
DENIAL OF THE CONTRACTOR LICENSE.
THIS FORM HAS BEEN APPROVED
BY THE FORMS MANAGEMENT CENTER.

IL 482-0730

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration F - Application for the School Air Sampling
Professional's License List

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH-PROTECTION
ASBESTOS ABATEMENT PROGRAM
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL AIR SAMPLING PROFESSIONAL'S LICENSE LIST
\$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME _____

HOME ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

HOME TELEPHONE _____ COUNTY _____
(Area Code)

BIRTH DATE _____ / _____ / _____ SOCIAL SECURITY # _____ / _____

EMPLOYED BY _____

BUSINESS ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

BUSINESS TELEPHONE _____ COUNTY _____
(Area Code)

Attach a copy of your certificate of successful completion of NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust," a bachelors degree in physical, environmental or life sciences or in engineering and three months of experience in general indoor air pollution sampling; or in lieu of Degree shall have twelve months of experience in air sampling for asbestos abatement projects.

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for inclusion on or remove my name from the Department's list of accredited the Air Sampling

Section 855 Appendix C Illustrations Application Forms
Section 855, Illustration F - Application for the School Air Sampling
Professional's License List (Continued)

Professionals License for knowingly making false or fraudulent claims.
Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

IMPORTANT NOTICE

Signature of Applicant _____ Date _____

THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT, ILL. REV. STAT. 1989, CH. 122, PAR. 1401 ET SEQ. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE SCHOOL AIR SAMPLING PROFESSIONAL LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

Section 855 Appendix C Illustrations Application Forms
Illustration F - Application for School Air Sampling Professional's License
List (Continued)

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO AIR SAMPLING PROJECTS

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT (mo./yr.) to (mo./yr.) TELEPHONE /

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT (mo./yr.) to (mo./yr.) TELEPHONE /

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT (mo./yr.) to (mo./yr.) TELEPHONE /

List and describe your duties and responsibilities.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.11 Illustration F - Application for the School Air Sampling
Professional's License List (Continued)

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1.		
2.		

(Applicant shall attach a copy of certificates received)

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855. Appendix C Illustrations - Application Forms
Section 855.11 Illustration G Application for the Asbestos Worker's License
ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH-PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ASBESTOS WORKER LICENSE

\$25.00 check or money order must accompany this Application
Payable to the Illinois Department of Public Health Only

Type or Print

APPLICANT NAME* (Last) (First) (M)

HOME ADDRESS (Street)

CITY STATE ZIP CODE

HOME TELEPHONE / COUNTY

AGE OF APPLICANT DATE OF BIRTH

DRIVERS LICENSE # STATE OF ISSUE

SOCIAL SECURITY NUMBER

EDUCATION OF APPLICANT GRADE SCHOOL 1 2 3 4 5 6 7 8
(circle highest grade completed) HIGH SCHOOL 1 2 3 4
COLLEGE 1 2 3 4

NAME OF APPROVED TRAINING COURSE ATTENDED
(Copy of certificate of completion shall be included with Application.)

Has applicant previously made application for a worker's license? Yes No

Is applicant a licensed/certified worker in another state? Yes No

IF YES which state (s) License #(s)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855, Appendix C Illustrations - Application Forms Illustration G
Application for the Asbestos Worker's License (continued)

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny, revoke or suspend my Asbestos Workers License for knowingly making false or fraudulent claims.

Signature of Applicant _____ Date _____

~~Must submit two, 1"x1", head-and-shoulder-color
photos-of-the-applicant-to-the-Department.
Submit one 1"x1" photograph of the applicant
with this application (head and shoulders only).
License will not be issued without photograph.~~

IL 482-0498 (rev. 11/89)

IMPORTANT NOTICE

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under The Asbestos Abatement Act, (Ill. Rev. Stat. 1989, ch. 122, par. 1401 et seq.).

Disclosure of this information is mandatory. Failure to provide any information could result in denial, revocation or suspension of the applicant's license. This form has been approved by the Forms Management Center.

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration H - Application for the School Project Manager License

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH ~~OFFICE-OF-HEALTH-PROTECTION~~
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL PROJECT MANAGER'S LICENSE LIST
\$50.00 check or money order must accompany this application

Type or Print

APPLICANT NAME

HOME ADDRESS (Street)

CITY

HOME TELEPHONE

(Area Code) / /

BIRTH DATE

EMPLOYED BY

BUSINESS ADDRESS (Street)

CITY

BUSINESS TELEPHONE

(Area Code) / /

STATE

COUNTY

SOCIAL SECURITY #

STATE

COUNTY

ZIP CODE

ZIP CODE

REFERENCES

NAME ADDRESS TELEPHONE

1.

2.

3.

I hereby certify that the information submitted is true and valid, and understand that the Illinois Department of Public Health may deny my inclusion on or remove my name

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUEST-
ED DISCLOSURE OF INFORMATION
THAT IS NECESSARY TO ACCOMPLISH
THE STATUTORY PURPOSE AS OUT-

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration H - Application for the School Project Manager License (continued)

from, the Department's list of approved Project Managers for knowingly making false or fraudulent claims.

LINED UNDER THE ASBESTOS ABATEMENT ACT, ILL. REV. STAT. 1989, CH. 122, PAR. 1410 ET SEQ.
DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE PROJECT MANAGER LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

SUBMIT ONE 1" x 1" photograph with the application (head and shoulders only).

Signature of Applicant _____ Date _____

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration H - Application for the School Project Manager License

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT _____ to _____ TELEPHONE _____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1. _____	_____	_____
2. _____	_____	_____

(Applicant shall attach a copy of certificates received)

(Source: Amended at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration I - Application for Training Course Accreditation

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

\$500.00 certified check or money order must accompany this application.

Type or Print

BUSINESS NAME (Course Sponsor) _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ COUNTY _____ ZIP CODE _____
BUSINESS TELEPHONE _____ (Area Code) _____
CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
TITLE COURSE: _____ NUMBER OF INSTRUCTORS _____

TYPE OF OWNERSHIP (Check)
Sole Proprietorship _____ Corporation _____ Trust _____
Partnership _____ Association _____ Other _____
(Specify) _____

LIST OF OFFICERS

Name and Title	Address	SS#
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

I hereby certify that the information submitted is true and valid and I understand that the Illinois Department of Public Health may deny this training course accreditation for knowingly making false or fraudulent claims.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration I - Application for Training Course Accreditation

Signature of Owner/Officer _____ Date _____
IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING
DISCLOSURE OF INFORMATION THAT IS
NECESSARY TO ACCOMPLISH THE
STATUTORY PURPOSE AS OUTLINED UNDER
(the Asbestos Abatement Act, 111
Rev. Stat. 1989, ch. 122, par. 1410
et seq.) DISCLOSURE OF THIS
INFORMATION IS MANDATORY. FAILURE
TO PROVIDE ANY INFORMATION COULD
RESULT IN DENIAL OF APPLICATION FOR
ACCREDITATION OF TRAINING COURSES.
THIS FORM HAS BEEN APPROVED BY THE
FORMS MANAGEMENT CENTER.

FOR IDPH USE ONLY

Date Received _____ Type of Approval: _____ Date of Approval _____
Complete Set of Attachments Yes _____ No _____
Provisional _____ Complete _____

IL 482-0500

(Source: Added at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration J - Application for Refresher Course Accreditation

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH OFFICE-OF-HEALTH-PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

\$250.00 certified check or money order must accompany this application

Type or Print

BUSINESS NAME (Course Sponsor) _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ COUNTY _____ ZIP CODE _____
BUSINESS TELEPHONE _____ (Area Code) _____
CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
TITLE COURSE: _____ NUMBER OF INSTRUCTORS _____

TYPE OF OWNERSHIP (Check)
Sole Proprietorship _____ Corporation _____ Trust _____
Partnership _____ Association _____ Other _____
(Specify) _____

LIST OF OFFICERS

Name and Title	Address	SS#
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

I hereby certify that the information submitted is true and valid and I understand that the Illinois Department of Public Health may deny application of this training course for knowingly making false or fraudulent claims.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration J - Application for Refresher Course Accreditation

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER (the ASBESTOS ABATEMENT ACT, III. REV. STAT. 1989, CH. 122, PAR. 1410 ET SEQ.) DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF ACCREDITATION OF THE TRAINING COURSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

Signature of Owner/Officer _____ Date _____

FOR IDPH USE ONLY

Date Received _____ Type of Approval: _____ Provisional _____ Date of Approval _____
Complete Set of Attachments Yes _____ No _____

IL 482-0500

(Source: New rule added at 14 Ill. Reg. 12552, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part:

Migrant Labor Camp Code

2) Code Citation:

77 Ill. Adm. Code 935

3) Section Numbers:935.10
935.20
935.25
935.30
935.35
935.40
935.50
935.60
935.65
935.70
935.80
935.85
935.90
935.100
935.105
935.110
935.120
935.130Adopted Action:Amendments
Amendments
New Section
Amendments
New Section
Amendments
Amendments
Amendments
New Section
Amendments
Amendments
New Section
Amendments
Amendments
New Section
Relabeled, Amendments
Amendments4) Statutory Authority:Illinois Migrant Labor Camp Law
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 185.1 et seq.5) Effective Date of Rules:

July 20, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☒ No ☐If "yes," please specify type: 6.02(a) ☒ or 6.02(b) ☐If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS8) Date Filed in Agency's Principal Office:

July 20, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

February 16, 1990 - 14 Ill. Reg. 2498

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

A) Statement of Objection: _____, Ill. Reg. _____B) Agency Response: _____, Ill. Reg. _____C) Date Agency Response Submitted for Approval to the Joint Committee: _____11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 935.40(c)(2), the phrase "...except for structures occupied prior to April 3, 1980." will be added at the end.

2. In Section 935.40(c)(4), the phrase "...except that camps occupied prior to April 3, 1980 shall have at least 40 square feet per person if bunk beds are used." will be added after the first sentence. After the second sentence, the phrase "...except that a minimum of 60 square feet per person shall be provided for these camps occupied prior to April 3, 1980." will be added.

3. In Section 935.40(c)(5), the phrase "and kitchens" will be added after the phrase "toilet rooms." The following sentence will also be added. Rooms without operable windows must have mechanical ventilation capable of producing a change of air every 30 minutes."

4. In Section 935.40(c)(7), the second and third sentences are deleted and replaced with the following sentence. "Six inches of clearance shall be provided between the floor and the bottom of all springs or mattresses." A sentence is added at the end stating, "For structures initially occupied after April 3, 1980, there shall be 36 inch separation between single beds and 48 inch separation between sets of bunk beds."

5. A new subsection 935.40(c)(9) will be added stating "The licensee

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

shall be responsible for keeping the housing units free of animal or insect vectors or pests."

6. The Department will add a sentence at the end of Section 935.50(a) stating "The licensee shall be responsible for providing hauled water when the quantity or quality does not meet the requirements of this Section."
7. In Section 935.50(d), the following sentence will be added at the end: "Existing plumbing shall meet the requirements of the Illinois Plumbing Code in effect at the time of installation."
8. In Section 935.65(c)(1), the phrase "...except that a minimum of one showerhead per 15 persons shall be provided for camps occupied prior to April 3, 1980" will be added at the end of the sentence.
9. In Section 935.70(b)(1), the Department will delete the proposed language and will replace it with the following: "One stove burner or hot plate burner shall be provided for every five occupants."
10. In Section 935.85(b)(1) and (b)(4), the phrase "...in existence at the time of installation" will be added after the words "National Electrical Code."
11. In Section 935.105, the proposed language will be replaced with the following: "The licensee shall report any known cases of suspected food poisoning or unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom. This information shall be reported by telephone within one business day to the local health department or the Illinois Department of Public Health, 217/782-5830. Section 690.100 of the Department's Control of Communicable Diseases Code (77 Ill. Adm. Code 690) contains reporting requirements for diagnosed communicable diseases."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. At the end of the fourth sentence of Section 935.40(a) the phrase "as required by Section 935.100(a)" will be added.
2. In Section 935.100(a), the phrase "all state" will be replaced with "AN Act relating to the investigation and prevention of fire (Ill. Rev. Stat. 1989, ch. 127 1/2, par. 6 et seq.)"

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

- | Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----------------------------------|-----------------|--------------------|
| 15) Summary and Purpose of Rules: | | |

The rules establish the minimum requirements for the operation of migrant labor camps in Illinois.

The proposed revisions provide consistency with other codes administered by the Department and also with the federal requirements. The title is changed to Migrant Labor Camp Code. The technical requirements that previously were contained in the Law have been incorporated into the Code. The specific requirements for camps that operate less than 21 days or those that provide housing for less than 10 workers or 4 families have been eliminated. All the facilities will need to meet the same requirements, but only those that accommodate 10 or more workers or 4 or more families shall be subject to licensure.

The occupancy limit and the instructions for the operation of fire extinguishers no longer need to be posted. The requirements for construction permits is added. The requirements for water supply and sewage disposal are revised to be consistent with other Department regulations. A new requirement regarding communicable disease reporting is added. The electrical and food service requirements are revised to reflect the Department's actual requirements.

The proposed revisions will eliminate the differences between the state and federal requirements for migrant labor camps. The Department is pursuing the possibility of entering into an agreement with the U.S. Department of Labor for the inspection of the migrant labor camps. If this occurs, the duplication of inspections can be eliminated.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 5: MIGRANT LABOR

PART 935
MIGRANT LABOR CAMP CODE CAMPS

Section

935.10

Administration

935.20

Definitions

935.25

Incorporated Materials

935.30

General Requirements

935.35

Permits

935.40

Camp Sites

935.50

Water Supply

935.60

Sewage Disposal

935.65

Required Sanitary Facilities

935.70

Food Preparation, Storage and Eating Facilities

935.80

Solid Waste Disposal

935.85

Electrical

935.90

Mechanical Lighting and Heating

935.100

Fire Protection

935.105

Communicable Disease Reporting

935.110

Exempt Establishments Requirements for Camps Licensed to Operate Less Than an Aggregate of 21 Days Per Calendar Year

935.120

Inspections and Variances

935.130

Complaints

AUTHORITY: Implementing and authorized by the Illinois Migrant Labor Camp Law (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 185.1 et seq., as amended by P.A. 86-595, effective January 1, 1990).

SOURCE: Filed June 20, 1972, effective January 1, 1973; old rules repealed; new rules adopted and codified at 7 Ill. Reg. 16436, effective November 23, 1983; amended at 14 Ill. Reg. 12633, effective July 20, 1990.

Section 935.10 Administration

The administration of this Act is the responsibility of the Department of Public Health. The Act, along with this Part, provide for the licensing and regulation of migrant labor camps Migrant Labor Camps.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.20 Definitions

In addition to the definitions contained in the Illinois Migrant Labor Camp

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Law, the following definitions shall apply: For the purpose of this Part:

"Act" means the Illinois Migrant Labor Camp Law (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 185.1 et seq.) and the amendments thereto.

"Department" means the Illinois Department of Public Health.

"Community Water System" means a public water system which serves at least 15 service connections used by residents or serves at least 25 residents for at least 60 days a year.

"Family" shall include the mother, father and dependent children under 18 years of age.

"Service rooms" include such ancillary structures as laundry and dining rooms, but excludes such structures as privies and storage sheds.

"Major Alteration" means the construction of a new potable water system, sewage disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Major Extension" means an increase of ten percent or more in a one year period of the capacity of the potable water system, sewage disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Non-Community Water System" means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or serves 25 or more non-resident individuals daily for at least 60 days a year.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

"Special Flood Hazard Area" means an area that would be inundated by the base flood and shown as such on either a Regulatory Flood Plain Map (published by the Illinois Department of Transportation's Division of Water Resources), a Flood Insurance Rate Map or a Flood Hazard Boundary Map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 2633, effective July 20, 1990)

Section 935.25 Incorporated Materials

a) State Regulations

- 1) 35 Ill. Adm. Code 601, 602, 603, 604, 605, 606, and 607, promulgated by the Illinois Pollution Control Board. (Section 935.50(b)(1))
- 2) 35 Ill. Adm. Code 651, 652, 653 and 654, promulgated by the Illinois Environmental Protection Agency. (Section 935.50(b)(1))
- 3) Control of Communicable Diseases Code, 77 Ill. Adm. Code 690, promulgated by the Illinois Department of Public Health. (Section 935.105)
- 4) Food Service Sanitation Code, 77 Ill. Adm. Code 750, promulgated by the Illinois Department of Public Health. (Section 935.70(a))
- 5) Illinois Plumbing Code, 77 Ill. Adm. Code 890, promulgated by the Illinois Department of Public Health. (Sections 935.35(b)(9) and 935.35(d))
- 6) Drinking Water Systems Code, 77 Ill. Adm. Code 900, promulgated by the Illinois Department of Public Health. (Sections 935.50(a), (b)(2), (c)(2) and (3) and (c))
- 7) Private Sewage Disposal Code, 77 Ill. Adm. Code 905, promulgated by the Illinois Department of Public Health. (Section 935.60(a)(1), (2) and (3))
- 8) Illinois Water Well Construction Code, 77 Ill. Adm. Code 920, promulgated by the Illinois Department of Public Health. (Section 935.50(b)(3))
- 9) Illinois Water Well Pump Installation Code, 77 Ill. Adm. Code 925, promulgated by the Illinois Department of Public Health. (Section 935.35(b)(3))
- 10) Surface Source Water Treatment Code, 77 Ill. Adm. Code 930, promulgated by the Illinois Department of Public Health. (Section 935.35(b)(4))
- 11) Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100, promulgated by the Department of Public Health. (Section 935.130(f))

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

b) State Statutes

- 1) Illinois Plumbing License Law, Ill. Rev. Stat. 1989, ch. 111, par. 1101 et seq. (Section 935.50(d))
- 2) Private Sewage Disposal Licensing Act, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 116.301 et seq. (Section 935.60(b))
- 3) The Space Heating Safety Act, Ill. Rev. Stat. 1989, ch. 127 1/2, par. 701 et seq. (Section 935.90(c))
- 4) Smoke Detector Act, Ill. Rev. Stat. 1989, ch. 127 1/2, par. 801 et seq. (Section 935.100(d))
- 5) "AN ACT prescribing the color and label for gasoline or benzol receptacles", Ill. Rev. Stat. 1989, ch. 127 1/2, par. 151 et seq. (Section 935.100(c))
- 6) "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils", Ill. Rev. Stat. 1989, ch. 127 1/2, par. 153 et seq. (Section 935.100(c))
- 7) "AN ACT relating to the investigation and prevention of fire", Ill. Rev. Stat. 1989, ch. 127 1/2, par. 6 et seq.
- 8) Illinois Migrant Labor Camp Law, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 185.1 et seq.

c) Other Materials

National Electrical Code, 1990 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of this Code is on file in the central and regional offices of the Illinois Department of Public Health.
(Section 935.85(a) and (b))

(Source: Added at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.30 General Requirements

- a) Housing Unit Identification. The camp operator shall post on the front of each housing unit a permanent and legible number or letter. (for-example--17-27-27; letter. (for-example--a7-b7-c7)-or-some other-suitable-form-of-identification-agreed-upon-between-by-the licensee-and-the-department.

b) Occupancy List.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Each camp operator shall maintain a current list of all individuals workers-and-families residing in the camp and the housing unit they occupy. The list shall contain at a minimum the following information:
 - A) Name-of-each-occupant;
 - B) Housing-Unit;
- 2) The list shall be kept by the camp operator and shall be available for inspection by the Department upon request at all times.
- 3) The Department shall establish the a maximum capacity for each housing dwelling unit located in a licensed camp.
- e) Occupancy Limits--The camp-operator shall post in the vicinity of the front door of each housing-unit, the authorized-occupancy-limit for the-unit;
- cd) Unapproved Housing Units. Housing units that are not approved for habitation shall be so posted in English and the native language of the occupants with forms provided by the Department. The entrances to such non-approved housing units shall be sealed or locked at all times except during periods of reconstruction or repair.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.35 Permits

- a) General. Section 8 of the Act requires that plans be submitted to the Department and approved prior to constructing a new migrant labor camp or performing a major alteration or major extension to an existing migrant labor camp.
- b) Plans. Two sets of plans showing the following information shall be submitted to the Department to obtain a construction permit:
 - 1) Identification of the migrant labor camp involved and the person or organization preparing the drawings and specifications.
 - 2) A statement describing the scope of the work proposed and the anticipated time schedule.
 - 3) A plan showing location of all structures and improvements.
 - 4) Drawings and/or specifications for proposed buildings or structures that include all structural components and material

NOTICE OF ADOPTED AMENDMENTS

12643
90

NOTICE OF ADOPTED AMENDMENTS

12644
90specifications.

- 5) Detailed drawings and specifications of proposed potable water source and distribution system, and a general drawing showing distances between components of the potable water system and sources of potential contamination.
- 6) Detailed drawings and specifications of proposed sewage system construction, and a general arrangement drawing showing distances between components of the sewage system and potable water systems or bodies of surface water, data showing estimated volume of sewage flow and soil percolation rates for absorption fields. Where a permit has been obtained or applied for from the Environmental Protection Agency or a unit of local government for construction of a sewage disposal system, a copy of the permit or permit application shall be submitted.
- 7) Detailed drawings and specifications for proposed food service establishment construction showing interior construction of the building, floors, walls and ceiling, as well as details of food handling equipment to be installed.
- 8) Drawings of proposed electrical distribution system construction showing general arrangement, size and type of wiring, method of grounding, over-current protection and type of equipment.
- 9) Drawings of proposed sewer and water piping within buildings showing size and location of piping, fittings, and fixtures, as well as materials of construction, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- 10) The maximum number of persons intended to occupy any new or remodeled housing unit shall be specified. This figure shall not exceed the capacity of the water and sewage systems provided.
- c) Flood Hazard. Prior to the issuance of a construction permit, the permit applicant shall submit a completed "Special Flood Hazard Area Request Form" provided by the Department. If the site is within a Special Flood Hazard Area, the applicant shall forward to the Illinois Department of Transportation's Division of Water Resources the plans for the project. No project to be located in a Special Flood Hazard Area shall be issued a permit without a statement or a copy of the statement from the Division of Water Resources that the construction complies with the requirements of Executive Order 79-4 dated May 31, 1979. Construction of such items as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipment, sidewalks and driveways as specified in Statewide Permit Number 6 issued by the Illinois Department of

Transportation, Division of Water Resources, May 13, 1983 are exempt from the above requirements.

- d) Local Approval. Prior to construction of a new camp, major alteration or major extension of an existing camp, permits and zoning approval required by local health departments and zoning boards as well as other governmental units having jurisdiction shall be obtained.
- e) Existing Facilities. A permit is not required when existing facilities are utilized for a migrant labor camp. Plans indicating the general location of all structures and utilities shall be submitted to the Department. The existing facilities will be inspected by the Department for compliance with this Part. Any violations identified during the inspection of the facilities shall be corrected, and the facilities shall be brought into essential compliance with this Part prior to the issuance of a license.
- f) Repairs. A permit is not required to repair a facility in a licensed migrant labor camp or to correct a violation of this Part when such repair or correction is made to an existing facility and does not result in expansion of any existing appurtenance or structure.
- g) Minor Extension and Alterations. Construction at a migrant labor camp less than a major extension or major alteration shall not require a permit. However, prior to initiating construction, the applicant shall advise in writing the regional office of the Department which serves the camp of the scope of the alteration.
- h) EPA Approval. The construction of all community water supply systems and those surface discharge sewage disposal systems with flows greater than 1,500 gallons per day requires a construction permit from the Illinois Environmental Protection Agency.

(Source: Added at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.40 Camp Sites

- a) Camp Location Sites. Camp sites shall be well drained, free of weeds, insects and obnoxious odors and also free from depressions in which water may stand. Natural sink-holes, ponds, pools or other surface collectors of water shall be drained, fitted or treated to prevent mosquito breeding. Housing units shall not be located within 200 feet of swamps, sink holes, or other surface collections of water unless mosquito control measures are undertaken. The site location shall not create hazardous traffic conditions. Each site shall be of a size to permit the spacing of buildings and vehicles to minimize fire hazards as required by Section 935.100(a). All housing

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

units and areas where food is prepared or served shall be located at least 500 feet from livestock areas.

- b) Livestock-Improvement-Areas--Livestock-improvement-areas-and-related buildings-shall-be properly-maintained-and-kept-free-of-odors-and insects--The-removal-of-manure-and-animal-wastes-shall-be-required.
- 1) New-camp-structures-shall-be-located-at-least-500-feet-from-livestock-areas-and-in-such-a-manner-as-not-to-create-a-nuisance-or-health-hazard-to-the-residents-as-determined-by-an-inspection-pursuant-to-Section-935.120(a)-of-this-Part.
- 2) It-is-recommended-that-existing-camp-structures-also-be-located-at-least-500-feet-from-livestock-areas--Existing-camp-structures-shall-be-so-located-as-not-to-create-a-nuisance-or-health-hazard-as-determined-by-an-inspection-pursuant-to-Section-935.120(a)-of-this-Part.

- b) Maintenance of Camps. The camp shall be kept free of debris, tall vegetation, and abandoned equipment.

e) Shelters--Walls-and-floors-shall-be-of-tight,durable-material. When-composition-materials-are-used-for-outer-walls,they-shall-be-backed-by-no-less-than-5/16"-durable,weather-resistant-material--Floors-shall-be-of-an-impervious-material--Newly-constructed-shelters-shall-have-interior-walls-that-are-structurally-sound-smooth-and-clean-so-as-to-ensure-compliance-with-Section-5.2-of-the Act--Existing-facilities-with-exposed-studs-and-rafters-will-be-acceptable-provided-they-can-be-maintained-in-a-smooth,sound-and-clean-condition--Any-area-subject-to-splash-shall-be-of-an-impervious-material.

- c) Housing Units.

- 1) All structures intended for occupancy shall be structurally sound, be maintained to support the wind and snow loads and shall be waterproof.
- 2) All floors shall be of an impervious non-absorbent material that can be cleaned. The top of wooden floors shall be at least 12 inches above the ground level, except for structures occupied prior to April 3, 1980.
- 3) All walls and ceilings shall be of a smooth finish that can be cleaned with soap and water. Any area subject to splash shall be of an impervious material. Exposed studs and rafters are acceptable only for housing units occupied prior to January 1, 1980. All habitable rooms shall have a minimum 7 foot high

ceiling.

- 4) Each room used for sleeping purposes shall contain at least 50 square feet of floor space per occupant except that camps occupied prior to April 3, 1980 shall have at least 40 square feet per person if bunk beds are used. A minimum of 100 square feet per person shall be provided in combined cooking and sleeping rooms except that a minimum of 60 square feet per person shall be provided for those camps occupied prior to April 3, 1980.
- 5) All rooms except toilet rooms and kitchens shall be provided with windows, the total area of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation. Rooms without openable windows must have mechanical ventilation capable of producing a change of air every 30 minutes.
- 6) All exterior openings shall be screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.
- 7) Beds, cots, or bunks, and suitable storage facilities such as wall lockers, closets or dressers for clothing and personal articles shall be provided in every room used for sleeping purposes. Six inches of clearance shall be provided between the floor and the bottom of all springs or mattresses. The minimum clear space between the lower and upper bunk shall be at least 27 inches. Triple-deck bunks are prohibited. For structures initially occupied after April 3, 1980, there shall be 36 inch separation between single beds and 48 inch separation between sets of bunk beds.
- 8d) Separate-Quarters. Separate quarters shall be provided for each sex except in the case of family living quarters. A The partitioned sleeping area for the husband and wife shall be enclosed from the floor to a height of at least six feet, with a gap not to exceed four (4) inches at the floor being allowable. The entrance to the sleeping quarters shall be equipped with a curtain or door.
- 9) The housing units shall be kept free of animal or insect vectors or pests.
- e) Screening--Shelters-or-facilities-for-habitation-shall-be-screened at-all-times-during-seasons-when-flies-or-other-insects-are prevalent--Screening-shall-be-no-less-than-16-mesh-per-inch--Door openings-shall-be-screened-and-screen-doors-shall-be-set-testing

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

d) Bed and Bedding

- 1) The licensee shall be responsible for maintaining all Att bedding which he provides shall be maintained in a clean and sanitary condition.
and its condition shall be the responsibility of the licensee.
- 2) Sheets and pillow cases, when provided, shall be laundered at least once each week and before use by each new worker.
- 3) Blankets, when provided, shall be washed as often as necessary to maintain cleanliness, and at least annually.
- 4) Mattresses shall be provided and shall be covered with removable covers which shall be washed before use by each new worker. If when mattresses and pillows become dirty and cannot be properly cleaned has determined pursuant to an inspection in accordance with Section 935.120(a), they shall be discarded.
- 5) If when mattress bags are provided, they shall be washed at least once each operating season and before use by each new worker. The mattress filling shall be changed at the time the bags are washed.
- 6) When a complaint of vermin infestation is made to the licensee, he will be responsible for inspection of the beds, bedding, and sleeping quarters, and providing extermination services.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.50 Water Supply

- a) **Water Supply - General.** The water supply for drinking, culinary, laundry and bathing purposes as well as the distribution system for such water supply, shall be located, constructed, operated and maintained as required by the Department's Rules and Regulations for Drinking Water Systems Code (77 Ill. Adm. Code 900). Drainage facilities shall be provided for overflow and spillage. The water supply shall be capable of delivering 35 gallons per person per day. Water outlets shall be distributed throughout the camp in such a manner that no housing unit is more than 100 feet from a water tap if water is not piped to the individual unit. The licensee shall be responsible for providing hauled water when the quantity or quality does not meet the requirements of this Section.

- b) Municipal Water Supply:--Where a municipal water supply is available, such water shall be used in the camp.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

b) Sources of potable water acceptable to the Department are as follows:

- 1) A community water system constructed, operated and sampled in accordance with 35 Ill. Adm. Code, Parts 601, 602, 603, 604, 605, 606, 607, 651, 652, 653 and 654.
- 2) A non-community public water system constructed, operated and sampled in accordance with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900).
- 3) A water well constructed, located and operated in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).
- 4) A surface water system constructed and operated in compliance with the Department's Surface Source Water Treatment Code (77 Ill. Adm. Code 930).
- e) Sampling:--For camps not on municipal water supplies and operating for more than three months, water samples for bacteriological analysis shall be taken quarterly during the operating season with the first sample taken immediately prior to the camp's opening.
1) Camps operating less than three months shall be sampled once prior to camp opening for bacteriological analysis pursuant to the Department's Rules and Regulations for Drinking Water Systems (77 Ill. Adm. Code 900).
2) All camps shall submit water samples for nitrate analysis once during each operating season.

c) Sampling

- 1) For all migrant labor camps not connected to a community water system, Department personnel shall collect water samples for coliform bacteria, nitrate and turbidity (for surface source water systems only) analyses at the time of the pre-occupancy license inspection. Department personnel shall collect a water sample at these facilities for coliform bacteria analysis during the required occupancy inspection of the facility.
- 2) The licensee shall be responsible for collecting and returning any additional water samples required by the Drinking Water Systems Code (77 Ill. Adm. Code 900).
- 3) Water failing to meet the quality of the Drinking Water Systems Code (77 Ill. Adm. Code 900) shall be made unavailable for use.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

until determined to be in compliance by the Department. A water supply containing between ~~in excess of~~ 10 and 20 parts per million (ppm) of nitrate (N) may shall be placed and used if it is posted by the owner or operator of the migrant labor camp stating in English and in the native language of the occupants that the water shall not be used for infants less than 6 months infant (under one year of age) feeding. The Department shall provide the necessary placards forms.

- d) Plumbing Fixtures. All plumbing system construction or repair shall be performed by a licensed Illinois plumber as ~~where so~~ required by the Illinois Plumbing License Law (Ill. Rev. Stat. 1989.1981, ch.111, pars. 1101 et seq.), and shall be in accordance with the Department's Illinois State Plumbing Code (77 Ill. Adm. Code 890). Leaks and otherwise malfunctioning plumbing shall be repaired. Existing plumbing shall meet the requirements of the Illinois Plumbing Code in effect at the time of installation.

- e) Hauled Water. Hauled water may be permitted during an emergency or to supplement the existing water supply, if the requirements of the Department's Rules for Drinking Water Systems Code (77 Ill. Adm. Code 900) shall be met.

1) When it is necessary to haul water to supply a camp, the water shall be obtained only from an approved source of supply pursuant to the Department's Rules and Regulations for Drinking Water Systems (77 Ill. Adm. Code 900). The source shall be approved prior to its use in the camp, and the source and method of hauling water shall not be changed during the camp operating period without prior approval of the Department.

2) Equipment used for hauling water, including tank trucks or trailers, hoses, etc., shall be used only for handling such potable water. In an emergency, equipment used for handling other potable materials such as milk or syrup, may be used after cleaning and sanitization with no less than 200 ppm of free chlorine.

3) Equipment used for the storage of hauled water shall be cisterns, reservoirs or wood or metal tanks approved according to the Department's Rules for Drinking Water Systems. Such cisterns, reservoirs or tanks shall be cleaned and sanitized with no less than 200 ppm of chlorine immediately prior to use. The tanks shall be used for no other purpose than the storage of potable water.

- f) Bathing Facilities. Showers shall be provided with hot and cold running water on a continuous basis for migrant residents at all

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

times. The showers shall be constructed in accordance with the Department's Illinois State Plumbing Code, and shall be marked "Men" and "Women" in English and the native language of the occupants. A minimum of 25% of the available showers (at least one for each sex if less than four are present) shall be provided with movable or permanent partitions of non-absorbent material. Bath tubs may not be substituted for showers.

- g) Shower enclosures shall be drained to a municipal sewage disposal system or to a system designed, constructed and maintained in accordance with the Private Sewage Disposal Act (Ill. Rev. Stat. 1981, ch. 111, 1/2, pars. 116, 301 et seq.) and the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 910).

- h) Tempered Water. Tempered water provided in bathing facilities shall be maintained at a temperature of 109.5 to 110.5 F.

- i) Hand-washing Facilities. All camps shall be provided with sinks or lavatories for hand-washing either in the living quarters or in common and accessible areas within the camp.

1) One lavatory shall be provided for each 15 persons to be accommodated. Lavatories or sinks shall be connected to drains and provided with hot and cold running water.

2) Camps may provide as an alternate to the foregoing, no less than one wash basin for each three persons accommodated. Hot and cold water shall be available. A funnel drain connected to the shower waste shall be provided for the disposal of waste water.

- j) Dressing Room. A separate dry area shall be provided immediately adjacent to the shower facilities to serve as a dressing room and shall be separated from the shower area by a non-absorbent partition.

(Source: Amended at 14 Ill. Reg. 12633 effective July 20, 1990)

Section 935.60 Sewage Disposal

- a) General. There shall be no discharge of sewage onto the surface of the ground, nor shall there be any escape of sewage odors from drainage systems. If available, discharge of sewage shall be to a municipal system. Private sewage disposal system shall be designed, constructed and maintained in accordance with the Department's Private Sewage Disposal Code. All sewage generated within a migrant labor camp shall discharge into a sewage disposal system approved by the Illinois Environmental Protection Agency or a private sewage disposal system designed, constructed and maintained in accordance with the Private Sewage Disposal Code (77 Ill. Adm. Code 905).

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 1) A construction permit must be obtained from the Department to construct a sewage disposal system designed to discharge to a subsurface seepage field or designed to discharge less than 1,500 gallons per day to the ground surface or to a body of water.
- 2) If a sewage disposal system is designed to discharge 1,500 or more gallons per day to the ground surface or to a body of water, a permit for construction must be obtained from the Illinois Environmental Protection Agency.
- 3) The effluent of all surface discharge sewage disposal systems shall meet the quality standards required by the Private Sewage Disposal Code (77 Ill. Adm. Code 905).
- b) License Requirements. Only persons licensed pursuant to the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 116.301 et seq.) shall construct, install, repair, modify, maintain, clean or pump private sewage disposal systems.
- b) Toilet-Facilities--Toilet-facilities shall be marked "Men"-and "Women"-in-English-and-in-the-native-language-of-the-occupants; constructed-in-accordance-with-the-Department's-Illinois-State-Plumbing-Code; and-partitioned-and-maintained-in-accordance-with-the-Department's-Rules-for-Sanitary-Practices-for-Drinking-Water-Sewage-Disposal-and-Restroom-Facilities-(77-111-Adm.-Code-896);--Group-toilet-facilities-excluding-units-shall-be-individually-partitioned-or-enclosed;--Where-group-toilet-facilities-are-in-the-same-structure-as-the-bathing-facilities, they shall be separated from-the-bathing-facilities-by-a-partition.
- e) Urinals--Urinals-constructed-of-non-absorbent-materials-may-be substituted-for-men's-toilet-seats-on-the-basis-of-one-urinal-or-24-inches-of-trough-type-urinal-for-one-toilet-seat-up-to-a-maximum-of-one-third-of-the-required-toilet-seats.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.65 Required Sanitary Facilities

a) Toilets

- 1) A water closet, chemical toilet or privy seat shall be provided for each sex in the ratio of one for each 15 persons.
- 2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening

directly to the outside area or be provided with mechanical ventilation. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.

- 3) A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, eating room, or kitchen.
- 4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "Men" and "Women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.
- 5) Where toilet facilities serve more than one family, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, with a minimum of two toilets for any shared facility.
- 6) Urinals constructed of non-absorbent materials may be substituted for men's toilet seats on the basis of one urinal for one toilet seat up to a maximum of one-third of the required toilet seats. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.
- 7) Each toilet facility shall be provided with artificial lighting equivalent to one-half watt of incandescent light per square foot.
- 8) Toilet facilities shall be clean and free of structural damage. Refuse containers shall be provided and emptied daily.
- b) Handwashing Facilities
 - 1) One handwashing basin shall be provided for each family shelter or one for each six people or fraction thereof in shared facilities.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 2) Liquid or powdered soap shall be provided for each handwashing basin. Bar soap can be used when the basin is for family members only.

c) Showers

- 1) There shall be a minimum of one showerhead with hot and cold running water per 10 persons or fraction thereof except that a minimum of one showerhead per 15 persons shall be provided for camps occupied prior to April 3, 1980.
- 2) Showerheads shall be spaced at least 3 feet apart with a minimum of 9 square feet of floor space per unit. Dry dressing space shall be provided in shower rooms. Shower floors shall be constructed of non-absorbent, non-skid materials and sloped to a floor drain. The walls shall be smooth and impervious. Except in individual family units, separate shower facilities shall be provided for each sex. When shower facilities for both sexes are in the same building they shall be separated by a solid non-absorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and the native language of the persons expected to occupy the housing.

- 3) Showers shall be kept free of dirt and mildew.

d) Laundry Facilities

Laundry facilities, supplied with hot and cold water under pressure, shall be made available for the use of all occupants. Laundry trays or tubs shall be provided in a ratio of one per 30 persons. Mechanical washers may be provided in a ratio of one per 50 persons in lieu of laundry trays, although a minimum of one laundry tray per 100 persons shall be provided in addition to the mechanical washers.

(Source: Added at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.70 Food Preparation, Storage and Eating Facilities Handing--
General

All mess-halls or other rooms where food may be stored, prepared or served; other than in family quarters shall be the responsibility of the licensee and shall meet the requirements of the Department's Rules and Regulations for Food Service Sanitation (77-111-Adm-Code-750).

- a) Commercial Operations. If the food is prepared by someone other than the residents of the migrant labor camp, the facility shall be

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

constructed and operated in accordance with the Food Service Sanitation Code (77-111-Adm-Code-750).

- b) Family Operations. If the food is prepared by the migrant workers or their family, the following shall be provided as a minimum:

- 1) One stove burner or hot plate burner shall be provided for every five occupants.
- 2) Potable water and a basin shall be provided.
- 3) Mechanical refrigeration for the food shall be provided.
- 4) A counter for food preparation and shelves or cabinets for the storage of food shall be provided. All food contact surfaces shall be impervious, smooth, and free of breaks, open seams, cracks, chips, pits and similar imperfections.
- 5) Tables and seating facilities shall be provided for each person.
- 6) Floors in kitchen and dining areas shall be non-absorbent and smooth. The walls adjacent to food preparation, cooking and cleaning areas shall be smooth and non-absorbent.
- c) Separation. Food preparation and eating facilities serving more than one housing unit shall be located in a room or building separate from sleeping rooms or toilet rooms.
- d) Communicable Disease. Persons with communicable disease shall not be allowed to prepare or otherwise handle food for anyone other than themselves.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.80 Solid Waste Disposal

- a) General. The storage, collection and disposal of refuse produced in a camp shall be conducted so as to avoid the creation of conditions detrimental to public health, such as rodent harborage, insect-breeding areas, odors, air pollution and accidents. The camp shall be kept free of litter, abandoned equipment, and accumulations of rubbish, including flammable debris, and shall be maintained in a sanitary condition at all times.

- b) Containers. All refuse which includes garbage, rubbish, bottles and tin cans shall be stored in water-tight containers constructed of a durable, non-absorbent material and having a tight-fitting lid. Such containers shall be maintained in a sanitary condition and in good

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

repair at all times. Containers shall be provided as needed throughout the camp. Containers shall be placed on racks with at least eight inches above clearance-off the ground or they may be placed on a pad of concrete or other impervious material.

- c) Collection and Disposal. Refuse shall be disposed of at a sanitary landfill approved by the Illinois Environmental Protection Agency. There must be a minimum of one collection per week.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.85 Electrical

- a) New Installations. Electrical wiring and appurtenances installed after January 1, 1990 shall comply with the 1990 Edition of the National Fire Protection Association's National Electrical Code.
- b) Existing Installations. Electrical wiring and appurtenances installed prior to January 1, 1990 shall comply with the following:

- 1) The type and size of all conductors shall comply with the National Electrical Code in existence at the time of installation.
- 2) All electrical distribution systems shall be protected against over-current by circuit breakers or fuses sized for the rated capacity of the conductors. Fuses and circuit breakers shall not have a larger rating than the receptacles they protect.
- 3) There shall not be any open ground, open neutral, open hot conductors or reversed wiring conditions.
- 4) All electrical connections shall be in accordance with the National Electrical Code in existence at the time of installation. No wiring shall be exposed that could cause personal injury.
- c) Maintenance. All electrical equipment shall be installed and maintained in accordance with the manufacturer's requirements.
- d) Lighting. Artificial lighting equivalent to one watt of incandescent light per square foot of floor area shall be provided in all rooms except toilet rooms which shall be provided an equivalent of one half watt per square foot. Exterior lighting shall be provided for the entrance to all buildings which are part of the camp.

(Source: Added at 14 Ill. Reg. 12633, effective July, 20, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 935.90 Mechanical Equipment Lighting and Heating

- a) Lighting and Electrical Systems—Electrical systems shall meet the minimum requirements of the National Electrical Code, 1984 National Fire Protection Association (NFPA).

- b) The following minimum lighting shall apply in the areas listed:

- 1) Reading areas—50-ft-candles
- 2) Food preparation areas—20-ft-candles
- 3) All other areas—20-ft-candles

- d) Heating and Cooking Appliances

- a) Heating Equipment. All rooms except privies and storage sheds shall be provided with operable heating equipment capable of maintaining a temperature of at least 70° Fahrenheit if the camp operates when the outside temperature is below 50° Fahrenheit.

- b) Installation and Maintenance. All mechanical equipment shall be installed and maintained in accordance with the manufacturer's instructions.

- c) Vents. Stoves or heating appliances, including space heaters, other than electrical and kerosene fueled, shall be vented to the atmosphere outside of the building. All metal vents, flues, or stovepipes shall be insulated with a noncombustible material at all points of contact with combustible materials in walls, ceilings, or roofs.

- d) Noncombustible Slab. Electrical or fuel-fired hot plates or stoves for cooking, mounted on a table of combustible materials, shall be placed on a slab of noncombustible material extending at least 18 inches beyond the perimeter of the base of the stove or appliance.

- e) Space Heaters. Portable space heaters shall have an automatic shut-off that is activated if the unit is tipped over. The requirements of the Space Heating Safety Act (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 701 et seq.) shall be met for kerosene fueled heaters.

(Source: Amended at 14 Ill. Reg. 12633 effective July 20, 1990)

Section 935.100 Fire Protection

- a) Codes. All buildings in which people sleep or eat shall be constructed and maintained in accordance with "AN ACT relating to the investigation and prevention of fire" (Ill. Rev. Stat. 1989,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ch. 127 1/2, par. 6 et seq.) and local fire safety laws.

- b) Means of Egress. In housing units of one story construction, 2 means of escape shall be provided. One of the means of escape may be a window with an openable space of not less than 24 x 24 inches and the sill within 44 inches from the floor. Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or second stairway.

- c) Fuel Storage. Migrant labor camps shall comply with the applicable provisions of "AN ACT prescribing the color and label for gasoline or benzol receptacles" (Ill. Rev. Stat. 1989, ch. 127 1/2, pars. 151 et seq.) and "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, pars. 153 et seq.) and any applicable rules adopted pursuant thereto.

- d) Smoke Detectors. Smoke detectors shall be provided in living areas in accordance with the Smoke Detector Act. (Ill. Rev. Stat. 1989, ch. 127 1/2, par. 801 et seq.)

- e) Fire Protection Equipment. A minimum of one 4-1b dry chemical ABC fire extinguisher shall be located within 100 feet of each living unit and maintained in a charged and ready to use condition. Compliance may also be achieved for family units by having one residential home type fire extinguisher in each unit. Fire extinguishers shall be inspected annually. Instructions for The manufacturer's use of the fire extinguishers shall be printed in English and the native language of the occupants and shall be located adjacent to each fire extinguisher explained to each occupant upon commencement of occupancy.

- f) Emergency Telephone Service. A telephone for emergency use shall be available provided at all times in order to safeguard lives and property. The telephone number of the nearest fire department, law enforcement agency, hospital and ambulance service or the established universal emergency number shall be prominently posted near the telephone.

(Source: Amended at 14 Ill. Reg. 12633 effective July 20, 1990)

Section 935.105 Communicable Disease Reporting

The licensee shall report any known cases of suspected food poisoning or unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom. This information shall be reported by telephone within one business day to the local health department or the Illinois Department of Public Health, 217/782-5830. Section 690.100 of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the Department's Control of Communicable Disease Code (77 Ill. Adm. Code 690) contains reporting requirements for diagnosed communicable diseases.

(Source: Added at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.110 Exempt Establishments Requirements for Camps Licensed to Operate Less than an Aggregate of 21 Days per Calendar Year

Establishments that provide housing for less than 10 migrant workers or 4 families containing migrant workers shall meet the requirements of this Part but shall not be required to be licensed.

- a) General: For purposes of interpretation, Section 935.110 shall apply to those Migrant Labor Camps housing ten or more workers and their dependents of four or more families containing migrant workers who are engaged in agricultural activities, operated for less than an aggregate of 21 days in any calendar year.

- b) Separate Quarters: Separate quarters shall be provided for each sex except in the case of family living quarters.

- e) Shelters:

- 1) Shelters in all camps shall be structurally sound and shall provide protection to the occupants. Walls and floors shall be of light, durable material such as wood, cement or canvas. When composition materials are used for outer walls they shall be backed by no less than one-half inch wood sheathing. Floors shall be of concrete, wood or composition material. Over either of the foregoing materials, interior walls shall be structurally sound, smooth, and clean. Exposed studs and rafters will be accepted provided that the foregoing conditions are met. Any area subject to splash shall be of impervious material. Compliance with the above requirements shall be determined by an inspection in accordance with Section 935.120(a).

- 2) Exception: Wall or pyramidal type tents may be accepted at the discretion of the Department for emergency use only in lieu of the foregoing requirements. Emergency situations include, but are not limited to, imminent crop damage, fire damage or flood. When tents are provided they shall be equipped with a structurally sound, smooth floor. All other requirements of this Part shall be met except for Section 935.110-1d).

- d) Heating and Ventilation of Shelters (except tents)

- 1) At least one-half of the floor area of each habitable room shall have a minimum ceiling height of seven feet. Portions of the

room having a ceiling height of less than five feet shall not be considered when computing floor area of the room.

- 2) Family or dormitory type shelters shall contain a minimum of 40 square feet of floor area and a minimum of 200 cubic feet of air space per occupant. When double beds or double deck bunk beds are provided, the foregoing floor area per occupant may be reduced to 30 square feet. The minimum acceptable size for family type quarters shall be 160 square feet. No less than 30 inches of clear space shall be provided above any occupied bunk or bed. Bunks shall be placed no closer together than 30 inches side to side or end to end.

- 3) Any room provided for human occupancy shall be provided with no less than one door and one window. The total window area shall be no less than five percent of the floor area and shall be operable to provide for emergency egress and ventilation. When ten or more persons are housed in one room, there shall be two or more doors opening to the outside of the building.

- 4) All living quarters and service rooms shall be provided with property installed and operable heating equipment pursuant to Section 5.12 of the Act.

- e) Lighting--Any room provided for human occupancy shall be provided with artificial lighting equal to or greater than one 40 watt bulb per 100 square feet of floor area when electricity is available. When electricity is not available, as a minimum, a lighted day room shall be provided for the use of the camp occupants and an emergency light shall be provided for each living or sleeping unit. A kerosene lantern or mantle type lamp will be accepted as an emergency light. Electrical wiring shall meet the minimum requirements of the National Electrical Code (1984).

- f) Screening--Shelters or facilities for habitation shall be screened during seasons when flies or other insects are prevalent. Screening shall be no less than 16 meshes per inch. Door openings shall be screened and screen doors shall be self-closing.

- g) Water Supply--Camp water supplies used for drinking or sanitary purposes shall be adequate, convenient, and safe.

- 1) The total capacity of the supply shall be no less than ten gallons per person per day of pumping capacity and storage for all domestic purposes.

- 2) The water supply outlets shall be located within the immediate area of the camp, within 100 feet of any living quarters.

- 3) Where toilet water supply standards exist, the camp water supply shall meet those standards. In areas where local standards do not exist, the camp water supply shall comply with the Department's Rules and Regulations for Drinking Water Systems (77 Ill. Adm. Code 900).

- 4) When unsafe water supplies exist in a camp, all outlets must be labeled "UNSAFE FOR DRINKING OR COOKING." The label shall be securely attached to the outlet and the lettering shall be legible.

- h) Sewage Disposal--Sewage disposal requirements are those set forth in Section 936.60 of this Part.

- i) Food Handling--Food handling requirements are those set forth in Section 936.70 of this Part.

- j) Fire Protection--Fire protection requirements are those set forth in Section 936.100 of this Part.

(Source: Relabeled and amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.120 Inspections and Variances

- a) The Department shall inspect each Migrant Labor Camp at least one time before the tabernacle is set up and at least one time while the camp is being used for the purpose of determining if the camp is being maintained and operated in accordance with the Act and this Part.

- b) The Department shall grant temporary variances for existing housing based on factors such as the following:

- 1) if the health, welfare and safety of the migrant worker will not be jeopardized; or
- 2) dependent upon the licensee's past record for compliance with the Act and this Part; or
- 3) dependent upon the effort exerted by the licensee to eliminate the violation and the duration of the violation; or
- 4) dependent upon expense; or
- 5) dependent upon precedent.

The Department shall grant a variance to a specific regulation when the operator or owner of a migrant labor camp submits a written request for such variance to the Department with drawings, specifications, documents, data, or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

calculations showing that the alternative method of construction or design proposed will provide equivalent protection to that which would prevail under the promulgated regulation. The capability of the proposed deviation to ensure protection equivalent to that required by this Part shall be the basis for approval or denial of a variance. The Department shall notify the applicant in writing of its decision to either grant or deny the variance within 60 days of receipt of the request.

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

Section 935.130 Complaints

a) Reporting. All complaints against migrant labor camps and establishments that provide housing for less than 10 migrant workers or 4 families containing migrant workers Migrant Labor Camps shall be reported to the Illinois Department of Public Health. Complaints shall preferably be in writing and contain facts to facilitate the investigation. Complaints by telephone will be accepted. Complaints will be required in writing if needed to support legal action against the licensee.

1) If the complaint concerns a serious violation of the Act or this part (i.e. contaminated water, sewage system malfunctions, operating without a license, etc.), it will be investigated by the Department within 24 hours of receipt of the complaint.

2) If the complaint concerns a less serious violation (i.e. solid waste, insects, etc.), it will be investigated within ten (10) working days of receipt of the complaint.

b) Posting. The Department shall post in every licensed camp, in a location visible to all occupants, the telephone number and address of its closest Regional Office.

e) Upon receipt of each complaint the Department will, within seven (7) days, acknowledge by letter receipt of the complaint.

cd) Referrals. If the complaint contains allegations which, if true, would constitute a prima facie violation of the Act or this Part, an investigation will be conducted. Whenever the complaint concerns matters outside the jurisdiction of the Department of Public Health, or may concern matters which are within the jurisdiction of another agency, the complaint will be referred to the appropriate agency whenever so doing does not violate complainant confidentiality.

de) Confidential. All complaints received by the Department will be confidential and the Department will shall not disclose the identity of the complainant without his/her written consent.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ef) Notification of Results. Upon the conclusion of the investigation, the complainant will be notified of the results of the investigation and any action taken by the Department.

fg) Hearings. All administrative hearings will be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 14 Ill. Reg. 12633, effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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15) Summary and Purpose of Rules:

The rules establish the minimum requirements for the construction and operation of recreational areas, with specific requirements for campgrounds.

The proposed revisions provide consistency with other rules administered by the Department. Changes have been proposed regarding abandoned wells, the required construction plans, holding tank design, shower requirements, the design of permanent sleeping facilities, lighting requirements, smoke detectors and electrical safety.

The proposed amendments will provide greater safety to the public because of the additional electrical safety requirements for new campgrounds and the requirement that abandoned wells be sealed. The other changes are primarily clarifications of current requirements.

The only major change proposed that is not a reference to a current state requirement is the requirement that electrical systems installed after July 1, 1990 meet the requirements of the current National Electrical Code. Therefore, the proposed changes should have only a minimal economic effect on the regulated public.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIESPART 800
RECREATIONAL AREA CODE

SUBPART A: DEFINITIONS

Section 800.110	Statutory Authority (Repealed)
800.120	Definitions
800.130	Incorporated Materials

SUBPART B: PERMITS

Section 800.300	Permits
800.310	Campground Capacity (Repealed)
800.320	Youth Camping in Recreational Areas
800.330	Local Regulations
800.340	Variance Procedures

SUBPART C: WATER SUPPLIES

Section 800.400	Potable Water Supply
800.410	Potable Water Quality
800.420	Hauled Water
800.430	Potable Water System Design (Repealed)
800.440	Abandoned Wells

SUBPART D: SEWAGE

Section 800.500	General
800.510	Pit and Vault Privies
800.520	Sewage Disposal Systems
800.530	Sink Waste
800.540	Sewer Risers
00.550	Sewage Collection Systems
800.560	License Requirements

SUBPART E: FOOD SERVICE SANITATION

Section 800.600	General
800.610	Food Supplies (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: REFUSE DISPOSAL

Section
800.700 General
800.710 Containers
800.720 Collection

SUBPART G: SWIMMING FACILITIES

Section
800.800 Swimming Pools and Bathing Beaches
800.810 Swimming Pool Fencing (Repealed)
800.820 Bathing Beach Capacity (Repealed)
800.830 Water Slides
800.840 Bather Preparation Facilities at Swimming Pools and Bathing Beaches
800.850 Bather Preparation Facilities at Bathing Beaches (Repealed)

SUBPART H: FIRST AID AND SAFETY

Section
800.900 Emergency Care
800.910 Emergency Communications
800.920 Traffic Safety
800.930 Open Fires
800.940 Refuse (Repealed)
800.950 Maintenance of Structures (Repealed)
800.960 Playgrounds
800.970 Unstable Refuse Bins
800.980 Communicable Disease and Accident Reporting

SUBPART I: SANITARY FACILITIES

Section
800.1000 Toilet Facilities
800.1010 Hand-Washing Facilities
800.1020 Shower Facilities

SUBPART J: MAINTENANCE

Section
800.1100 Reporting (Repealed)
800.1110 Maintenance of Facilities and Structures

SUBPART K: DESIGN OF BUILDINGS

Section
800.1200 Design of Buildings

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART L: BOATING

Section
800.1300 Boating

SUBPART M: FISH CLEANING FACILITIES

Section
800.1400 Fish Cleaning Facilities

SUBPART N: STABLE SANITATION

Section
800.1500 Stable Sanitation

SUBPART O: ELECTRICAL SAFETY

Section
800.1600 Electrical Safety

SUBPART P: RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS

Section
800.1700 Administrative Hearings

SUBPART Q: CONSTRUCTION REQUIREMENTS IN FLOOD PLAINS (Repealed)

Section
800.1800 Scope (Repealed)
800.1810 Definitions (Repealed)
800.1820 Verification of Compliance (Repealed)

APPENDIX A Regional Offices First-Aid-Kit-Contents (Repealed)

TABLE A Minimum Potable Water Requirement for Recreational Areas Where Patrons Remain for Six Hours or More (Repealed)

AUTHORITY: Implementing and authorized by the Campground Licensing and Recreational Area Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 761 et seq.).

SOURCE: Filed January 3, 1975, effective January 3, 1975; amended at 4 Ill. Reg. 45, p. 147, effective October 29, 1980; codified at 8 Ill. Reg. 17504; amended at 10 Ill. Reg. 11076, effective July 1, 1986; amended at 14 Ill. Reg. 12663, effective July 20, 1990.

SUBPART A: DEFINITIONS

Section 800.120 Definitions

In addition to the definitions contained in the Campground Licensing and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Recreational Area Act, the following definitions shall apply:

"Act" means the "Campground Licensing and Recreational Area Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 761 et seq.)."

"Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Sink-Waste" means the liquid waste generated by the washing of hands, food and kitchen utensils.

"Major Alteration" means the construction of a new potable water system, sewage disposal system, swimming facility, food service establishment, electrical distribution system or permanent sleeping structure.

"Major Extension" means an increase of ten twenty percent or more in a one two year period of the capacity of the potable water system, sewage disposal system, swimming facility, food service establishment, electrical distribution system or permanent sleeping structure.

"Primitive Area" or "Primitive Camp" means any recreational area or well-defined portion of a recreational area which provides no major change from the natural surroundings and which prohibits the ingress of motorized camping vehicles or camping units capable of sewage discharge.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

Community Water System means a public water system which serves at least 15 service connections used by residents or serves at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

least 25 residents for at least 60 days a year.

Non-Community Water System means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or serves 25 or more non-resident individuals daily for at least 60 days a year.

"Sink Waste" means the liquid waste generated by the washing of hands, food and kitchen utensils.

"Special Flood Hazard Area" means an area that would be inundated by the base flood and shown as such on either a Regulatory Flood Plain Map (published by the Illinois Department of Transportation's Division of Water Resources), a Flood Insurance Rate Map or a Flood Hazard Boundary Map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.130 Incorporated Materials

The following laws, rules and codes are referenced in this Part:

- a) 35 Ill. Adm. Code 601, 602, 603, 604, 605, 606 and 607, promulgated by the Illinois Pollution Control Board.
- b) 35 Ill. Adm. Code 651, 652, 653 and 654, promulgated by the Illinois Environmental Protection Agency.
- c) 77 Ill. Adm. Code 690, Control of Communicable Diseases Code, promulgated by the Illinois Department of Public Health.
- d) 77 Ill. Adm. Code 750, Food Service Sanitation Code, promulgated by the Illinois Department of Public Health.
- e) 77 Ill. Adm. Code 810, Youth Camp Code, promulgated by the Illinois Department of Public Health.
- f) 77 Ill. Adm. Code 820, Illinois Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beach Code, promulgated by the Illinois Department of Public Health.
- g) 77 Ill. Adm. Code 890, Illinois Plumbing Code, promulgated by the Illinois Department of Public Health.
- h) 77 Ill. Adm. Code 895, Sanitary Practice for Drinking Water, Sewage Disposal and Rest Room Facilities, promulgated by the Illinois Department of Public Health.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

i) 77 Ill. Adm. Code 905, Private Sewage Disposal Code, promulgated by the Illinois Department of Public Health.

j) 77 Ill. Adm. Code 900949, Drinking Water Systems Code, promulgated by the Illinois Department of Public Health.

k) 77 Ill. Adm. Code 920, Illinois Water Well Construction Code, promulgated by the Illinois Department of Public Health.

l) 77 Ill. Adm. Code 925, Illinois Water Well Pump Installation Code, promulgated by the Illinois Department of Public Health.

m) 77 Ill. Adm. Code 930, Surface Source Water Treatment Code, promulgated by the Illinois Department of Public Health.

n) Ill. Rev. Stat. 1989, ch. 111, par. 1201 et seq., Illinois Architecture Act.

o) Ill. Rev. Stat. 1989, ch. 111, par. 5101 et seq., Illinois Professional Engineering Act.

p) Ill. Rev. Stat. 1989, ch. 111 1/2, par. 116.301 et seq., Private Sewage Disposal Licensing Act.

q) ~~Ill. Rev. Stat. 1985, ch. 111-1/2, par. 1020 et seq., Environmental Protection Act.~~

q) Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et seq., Environmental Protection Act.

r) Ill. Rev. Stat. 1989 ch. 111, par. 1101 et seq., Illinois Plumbing License Law.

s) Ill. Rev. Stat. 1989, ch. 127 1/2, par. 801 et seq., Smoke Detector Act.

ts) National Electrical Code, 1990:984 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of this Code is on file in the central and regional offices of the Illinois Department of Public Health.

u) Household Fire Warning Equipment, 1984 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of this Code is on file in the central and regional offices of the Illinois Department of Public Health.

va) Statewide Permit Number 6, issued May 13, 1983 by the Illinois Department of Transportation, Division of Water Resources, 2300 South

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Dirksen Parkway, Springfield, Illinois 62764.

w) Regulatory Flood Plain Map, published by the Illinois Department of Transportation, Division of Water Resources, 310 South Michigan, Room 1606, Chicago, Illinois 60604.

x) Flood Insurance Rate Map and the Flood Hazard Boundary Map, published by the Federal Insurance Administration or the Federal Emergency Management Agency, Region V, 300 Wacker Drive, 24th Floor, Chicago, Illinois 60606.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

SUBPART B: PERMITS

Section 800.300 Permits

Prior to construction of a new campground, major alteration of an existing licensed campground or major extension of an existing licensed campground, a permit shall be obtained from the Department.

a) In addition to the application requirements in Section 4 of the Act, applications and two sets of plans must be submitted to the Department for permits for the construction of new buildings and facilities or alteration of existing buildings and facilities and shall contain the following information:

- 1) Identification of the recreational area involved and the person or organization preparing the drawings and specifications;
- 2) A statement describing the scope of the work proposed and the anticipated time schedule;
- 3) A dimensioned plot plan of the recreational area showing location of all structures and improvements;
- 4) Drawings and/or specifications for proposed buildings or structures that include all structural components and material specifications;
- 5) Detailed drawings and specifications of proposed potable water source and/or distribution system construction and a general arrangement drawing showing distances between components of the potable water system and sources of potential contamination that complies with Subpart C of this Part;
- 6) Detailed drawings and specifications of proposed sewage system construction, and a general arrangement drawing showing

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

distances between components of the sewage system and potable water systems or bodies of surface water, data showing estimated volume of sewage flow, and soil percolation rates for absorption fields. Where a permit has been obtained or applied for from the Environmental Protection Agency or a unit of local government for construction of a sewage disposal system, a copy of the permit or permit application shall be submitted. All systems must be in compliance with Subpart D of this Part.

- 7) Detailed drawings and specifications for proposed swimming pool construction sealed by an engineer or architect licensed to practice in Illinois, in accordance with Subpart G of this Part;
- 8) Detailed drawings and specifications for proposed bathing beach construction, showing water shed area, location of components of sewage systems within the water shed, area and volume of the lake or pond, slope of the bottom of the swimming area, extent of sand or gravel bottom in the swimming area, height of diving boards, depth of water in swimming and diving areas, location or buoyed lines marking wading and swimming areas, proposed bather loading, and turnover rate of the pond or lake, all in accordance with Subpart G of this Part;
- 9) Detailed drawings and specifications for proposed recreational equipment construction involving partial or total body contact in water;
- 10) Detailed drawings and specifications for proposed food service establishment construction showing interior construction of the building, floors, walls and ceiling as well as details of food handling equipment to be installed, in accordance with Subpart E of this Part;
- 11) Drawings of proposed electrical distribution system construction showing general arrangement, size and type of wiring, method of grounding, over current protection, type of equipment and load calculations, in accordance with Subpart O of this Part;
- 12) Drawings of proposed sewer and water piping within buildings showing size and location of piping, fittings, and fixtures as well as materials of construction, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890); and
- 13) Drawings showing details of proposed boat handling facility construction when applicable in accordance with Subpart L of this Part.

b) ~~The plans shall be sealed by an engineer or architect licensed to~~

~~practice in Illinois if required by the Illinois Professional Engineering Act (Ill. Rev. Stat. 1985, ch. 111, par. 6101-et-seq.) or the Illinois Architecture Act (Ill. Rev. Stat. 1985, ch. 111, par. 1201-et-seq.).~~

For projects requiring a construction permit, an engineer licensed in accordance with the Illinois Professional Engineering Act (Ill. Rev. Stat. 1989, ch. 111, par. 5101 et seq.) shall stamp the plans for all electrical systems which serve recreational vehicles, non-community water supply systems, and sewage disposal systems designed for flows greater than 1500 gallons per day. The plans for all multiple family dwellings including dormitories and all commercial structures utilized by the patrons such as dining facilities and activity buildings shall be sealed by an architect registered in accordance with the Illinois Architecture Act (Ill. Rev. Stat. 1989, ch. 111, par. 1201 et seq.).

- c) The maximum designated number of campsites shall be specified in the permit application. This figure shall not exceed the capacity of the water and sewage systems provided.
- d) Prior to the issuance of a construction permit, the permit applicant shall submit with the application a completed "Special Flood Hazard Area Request Form" provided by the Department. If the site is within a Special Flood Hazard Area, the applicant shall forward to the Illinois Department of Transportation's Division of Water Resources the plans for the project. No project to be located in a Special Flood Hazard Area shall be issued a permit without a statement or a copy of a statement from the Division of Water Resources that the construction complies with the requirements of Executive Order 79-4, effective Number 14 dated May 31, 1979. Construction of such items as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipment, sidewalks and driveways as specified in Statewide Permit Number 6 issued by the Illinois Department of Transportation, Division of Water Resources, May 13, 1983 are exempt from the above requirements.
- e) Prior to construction of a new campground, major alteration or major extension of an existing campground, permits and zoning approval, except on state or federal lands, required by local health departments and zoning boards as well as other governmental units having jurisdiction shall be obtained.
- f) A permit is not required when existing facilities are utilized to activate a new campground. As-built plans indicating the general location of all structures and utilities shall be submitted to the Department, and the existing facilities will be inspected by the Department's field personnel for compliance with this Part. Any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

violations identified during the inspection of the facilities shall be corrected, and the facilities shall be brought into essential compliance with this Part prior to the issuance of a license.

- g) A permit is not required to repair a facility in a licensed campground or to correct a violation of this Part when such repair or correction is made to an existing facility, and does not result in expansion of any existing appurtenance or structure.

- h) Campgrounds that were constructed prior to July 1, 1986, and not licensed by the Department shall provide prior to the issuance of a license the information specified in Section 4 of the Act.

- i) Construction at an extension to a campground less than a major extension or major alteration shall not require a permit. However, prior to initiating construction, the applicant shall advise the regional office of the Department which serves the campground in writing of the scope of the extension. Appendix A contains the addresses of the regional offices. This shall be addressed to the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761.

- j) The construction of community water supply systems and surface discharge sewage disposal systems with flows greater than 1500 gallons per day requires a construction permit from the Illinois Environmental Protection Agency.

(Source: Amended at 14 Ill. Reg. 2663, effective July 20, 1990)

Section 800.340 Variance Procedures

The Department shall grant a variance to a specific regulation when the operator or owner of a recreational area submits a written request for such variance to the Department with drawings, specifications, documents, data, or calculations showing that the alternative methods or designs proposed will provide equivalent protection to that which would prevail under the promulgated regulation. The capability of the proposed deviation variance to ensure protection equivalent to that required provided by this Part shall be the basis for approval or denial of a variance. The Department shall notify the applicant in writing of its decision to either grant or deny the variance within 60 days of receipt of the request. A variance shall be requested and approved before the proposed activity can be implemented.

(Source: Amended at 14 Ill. Reg. 2663, effective July 20, 1990)

SUBPART C: WATER SUPPLIES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 800.400 Potable Water Supply

Potable water of safe, sanitary quality from sources acceptable to the Department as specified in Section 800.410 (b) shall be provided at all recreational areas, except primitive areas, where patrons remain within the area for six hours or more. ~~Table B of the rules for the water for Drinking Water Systems Code (77 Ill. Adm. Code 900) specifies the minimum volume of water required.~~

(Source: Amended at 14 Ill. Reg. 2663, effective July 20, 1990)

Section 800.410 Potable Water Quality

- a) All water supplies in recreational areas available for drinking, bathing, or culinary purposes must come from sources that are specified in subsection 800.410(b) and the quality and monitoring of the water shall meet the nitrate, turbidity and bacteriological requirements contained in Sections 900.50, 900.60 and 900.70 of the Department's ~~rules for~~ Drinking Water Systems Code (77 Ill. Adm. Code 900).

- b) Sources of potable water acceptable to this Department are as follows:

- 1) A community public water system constructed, operated and sampled in accordance with 35 Ill. Adm. Code Parts 501, 502, 603, 604, 605, 606, 607, 651, 652, 653 and 654.
- 2) A non-community public water system constructed, operated and sampled in accordance with the Department's ~~rules for~~ Drinking Water Systems Code (77 Ill. Adm. Code 900).
- 3) A water well constructed, located and operated in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);
- 4) A surface water system constructed and operated in compliance with the Department's Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

(Source: Amended at 14 Ill. Reg. 2663, effective July 20, 1990)

Section 800.420 Hauled Water

Where potable water from a source ~~acceptable to~~ specified in Section 800.410(b) is not available within a recreational area, except a primitive area, and where patrons remain within the area for six hours or more, water shall be hauled to the area as prescribed by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section Subsection 900.30(o) of the Department's rules for Drinking Water Systems Code (77 Ill. Adm. Code 900). The licensee shall be responsible for providing this water for the campers.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.440 Abandoned Wells

Potable water wells, borings, or monitoring wells which are abandoned shall be sealed in accordance with Section 920.120 of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920).

(Source: Added at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.520 Sewage Disposal Systems

a) A sanitary dumping station, or an individual sewer riser at each space, shall be provided in all recreational areas that permit overnight camping in recreational vehicles capable of sewage discharge.

a) if a recreational vehicle capable of sewage discharge is allowed to remain at a campground for seven or more days one of the following must be provided:

- 1) A sewer riser at the site which discharges into a sewage disposal system or a holding tank.
- 2) A portable sewage collection tank on the premises at all times which will collect all waste from the recreational vehicle holding tanks before the recreational vehicle leaves the campground and discharge this waste to a sewage disposal system or sanitary dumping station.

b) All sanitary dumping stations which receive the waste from recreational vehicles shall comply with the Private Sewage Disposal Code (77 Ill. Adm. Code 905). The sanitary dumping station shall receive waste by one of the following methods:

- 1) The recreational vehicle can be driven to the sanitary dumping station.
- 2) A portable sewage collection tank can collect the waste from either the recreational vehicle holding tanks or an underground holding tanks which meets the requirements of the Private Sewage Disposal Code (77 Ill. Adm. Code 905). Portable sewage collection tanks shall be constructed and operated in such a manner that all openings to the atmosphere are sealed, and there

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

is no spillage of sewage onto the ground.

e) A sanitary dumping station shall be designed to receive a sewage flow of at least 20 gallons per day for each unsewered site that may be occupied by a recreational vehicle capable of sewage discharge.

c) Sewer risers shall connect to a sewage disposal system or a holding tank. Holding tanks shall comply with Section 905.140 of the Private Sewage Disposal Code (77 Ill. Adm. Code 905). If water hookups are provided at each site, the holding tanks shall be sized to provide a storage capacity of 350 gallons for each sewer riser connected to the tank. For sites not provided with individual water hookups, the holding tanks shall be sized to provide a storage capacity of 140 gallons for each sewer riser connected to the tank.

d) The design flow for sites with mobile homes shall be 150 gallons per day.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.560 License Requirements

The license requirements of the Private Sewage Disposal Licensing Act (111. Rev. Stat. 19895, ch. 111 1/2, par. 116.301 et seq.) shall be met by those individuals who construct, install, repair, modify, maintain, clean or pump private sewage disposal systems.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

SUBPART E: FOOD SERVICE SANITATION

Section 800.600 General

All food service establishments in recreational areas serving more than one meal per week shall be constructed and operated in accordance with the Food Service Sanitation Code rules (77 Ill. Adm. Code 750). A certified manager or supervisor shall be provided as required by Section 750.540. The requirements of Section 750.1500 shall be met for temporary food service establishments.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

SUBPART G: SWIMMING FACILITIES

Section 800.800 Swimming Pools and Bathing Beaches

All swimming pools and bathing beaches within campgrounds recreational areas

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall be designed, constructed, operated and maintained in accordance with the Illinois Minimum Sanitary Requirements for the Design and Operation of Swimming Pool and Bathing Beaches Code (77 Ill. Adm. Code 820).

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.830 Water Slides

Water slides within recreational areas shall be designed, constructed and operated in compliance with the Department's Illinois Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beach Code (77 Ill. Adm. Code 820), and the following.

- a) There shall be no obstructions which a patron can strike with any portion of his body while moving down the slide.
- b) Vertical walls of the slides shall be constructed to prevent patrons from being thrown over a wall while moving down the slide.
- c) Slide walls shall have a smooth finish.
- d) Slides shall be supervised and operated in such a manner that patrons do not collide while moving down the slide or in the splash pool.
- e) Artificial splash pools shall be provided with recirculation systems designed, constructed, maintained, and operated in accordance with the Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches (77 Ill. Adm. Code 820).

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.840 Bathing Preparation Facilities at Swimming Pools and Bathing Beaches

Bathing preparation facilities shall be available on the premises and consist of separate dressing facilities, showers, lavatories and toilets for each sex, meeting the requirements of Section 820.220. (b)-(f) of the Illinois Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beach Codes (77 Ill. Adm. Code 820). A walkway constructed of impervious material shall extend from the bathhouse to the pool.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

SUBPART H: FIRST AID AND SAFETY

Section 800.900 Emergency Care

All recreational areas, exclusive of primitive areas, where camping, body

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

contact sports, archery or hunting activities are permitted shall have an accessible area designed for emergency care equipped with at least one first aid kit which contains a minimum of the following:

- a) 2 units - 3" bandage compresses
- b) 2 units - triangular bandages
- c) 1 unit - pair of scissors
- d) 1 unit - pair of tweezers
- e) 2 units - eye dressing packets
- f) 1 unit - roll of 1" adhesive tape
- g) 1 box - of adhesive bandages of various sizes
- h) 1 unit - container of antiseptic
- i) 1 - pair of latex gloves

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.980 Communicable Disease and Accident Reporting

- a) Accident Reporting. All deaths in a recreational area and those injuries occurring in a recreational area which receive a physician's care shall be reported to the Department of Public Health.
- b) All outbreaks of disease in a recreational area which involve two or more persons shall be reported to the Department pursuant to the Department's rules concerning The Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- c) For all the above accidents and illnesses, the Injury and Illness Report as provided by the Department is to be completed and returned to the regional office of the Department which serves the recreational area either by mailing or personally delivering it within 48 hours of the occurrence. Appendix A contains the addresses of the regional offices.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.1020 Shower Facilities

- a) Other than primitive camps, one shower for males and one shower for females shall be provided at campgrounds constructed after January 1, 1990 that permit patrons to remain for seven consecutive days or more.
- b) Showers provided for swimming facilities as required by Section 800.840 can also serve the requirements of this Section.
- c) Showers at campgrounds shall be provided with hot and cold running water which may be tempered or blended. Water heaters shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

equipped with pressure/temperature relief valves in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

Section 800.1200 Design of Buildings

SUBPART K: DESIGN OF BUILDINGS

- a) Every foundation, floor, wall, ceiling, roof and stairway shall be sound and capable of supporting the load for which it was intended or designed. The structure shall support all occupants permitted by as required in Ssubsection 800.1200(d).
- b) Every roof and exterior wall shall be constructed and maintained to keep rain, sleet and snow from the interior of buildings used by patrons for living or sleeping purposes.
- c) Permanent buildings shall be separated by at least 10 feet from other permanent buildings and at least 25 feet from any public road.
- d) Each room for sleeping purposes shall contain at least 70 square feet of floor space. When occupied by two or more persons, each sleeping room shall contain at least 40 ~~50~~ square feet of floor space per occupant if single deck bunks are used and at least 30 square feet of floor space per occupant if double deck bunks are used. There shall be at least 30 inches of clear space above all beds and beds shall not be located within 30 inches of each other.
- e) Each room used for combined sleeping, cooking and eating purposes shall contain at least 100 square feet of floor space per occupant.
- f) No building containing two or more sleeping rooms shall have arrangements such that access to a sleeping room or access to toilet facilities requires the occupants to pass through another sleeping room.
- g) At least one half of the floor area in a sleeping room used for determining maximum occupancy shall have a ceiling height at least seven feet, and no floor area with a ceiling height of less than five feet shall be used in determining maximum occupancy.
- h) Every room used for sleeping shall have at least one operable window or skylight or mechanical device for ventilation. The operable area of the window shall be screened and shall equal at least four ~~five~~ percent of the floor area.
- i) Every sleeping room shall have a window area equivalent to eight

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~ten~~ percent of the floor area or artificial lighting equivalent to two lumens per square foot of floor area or 25 watts of incandescent light per 100 square feet of floor area.

- j) All buildings of more than one story where sleeping or living quarters are located on a floor above ground level shall have at least two means of exit from upper floors and shall have at least one easily accessible fire extinguisher (i.e., located not more than five (5) feet off the ground with no objects placed in front of the extinguisher that blocks access to it) in working order on each floor.
- k) All buildings including those used for sleeping, living, food preparation or eating shall be kept clean and free of insects and vermin.
- l) Each floor level of all permanent buildings used for sleeping shall be provided with a minimum of one (1) smoke detector constructed, installed and operated in accordance with the National Fire Protection Association's Standard 74, Household Fire Warning Equipment, 1984 Edition. The requirements of the Smoke Detector Act (Ill. Rev. Stat. 1989, ch. 127 1/2, par. 801 et seq.) shall be met. ~~Battery-operated smoke detectors in buildings not occupied for three (3) or more months shall be removed and stored in a container with the next opportunity to prevent dust and insects from damaging the units.~~
- m) All plumbing shall comply with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) in effect at the time of installation. The requirements of the Illinois Plumbing License Law (Ill. Rev. Stat. 1989, ch. 111, par. 1101 et seq.) shall be met.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

SUBPART L: BOATING

Section 800.1300 Boating

- a) At marinas where docking of boats having self-contained toilets is permitted in recreational areas, facilities for disposal of sewage from the boat holding tanks shall be provided.
- b) Where boat docking facilities are provided for overnight sleeping in recreational areas, at least one toilet for males and one toilet for females shall be available within 500 ~~200~~ feet.

(Source: Amended at 14 Ill. Reg. 12663, effective July 20, 1990)

SUBPART O: ELECTRICAL SAFETY

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 800.1600 Electrical Safety

a) New Installation

- 1) All electrical distribution systems constructed after July 1, 1990, shall be designed and constructed to conform to the requirements of the National Fire Protection Association's National Electrical Code (NFPA 70-1990). Article 551B contains specific requirements for recreational vehicle parks. Article 555 contains requirements for marinas and boat yards.
- 2) The Department shall allow the recreational vehicle site electrical supply equipment to be located at a location other than that specified by Article 551-47 of the National Electrical Code if the recreational vehicle cord prescribed by Article 551-153(b) of the National Electrical Code can be placed on the ground and reach the supply equipment without the need for an extension cord.
- b) Existing Installations. The following minimum requirements shall apply at any and all portions of electrical systems installed prior to July 1, 1986:
 - 1) Conductors. The type and size of all conductors shall comply with their approved use as indicated in the National Electrical Code (NFPA70 - 1990).
 - 2) Overcurrent Protection. All electrical power distribution system conductors in recreational areas shall be protected against overcurrent by circuit breakers or fuses sized for the rated current carrying capacity of the conductors. Fuses and circuit breakers shall not have a larger rating than the receptacles they protect.
 - 3) Receptacles. Receptacles serving recreational vehicles shall be of the grounding type of either 15, 20, 30, or 50 amperes. When tested by a receptacle tester, they shall not indicate any open ground, open neutral or open hot conductors or reversed wiring conditions.
 - 4) Weatherproof Equipment. All switches, circuit breakers, receptacles, control equipment, junction boxes and metering devices located outside shall be weatherproof equipment when in use or a cover must be placed over them so they are weatherproof when in use.
 - 5) Splices. All electrical power distribution feeders shall be continuous from fitting to fitting, and all splices shall comply

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

with the National Electrical Code (NFPA70-1990).

6) Clearances

- A) In areas that are subject to movement of vehicles, overhead electrical power distribution wiring shall be at least 15 feet above grade. In areas that are not subject to movement of vehicles, overhead electrical power distribution wiring shall be at least 10 feet above grade, sidewalks, platforms, or any projections from which they may be reached.
- B) A horizontal clearance of three feet shall be maintained between vehicles and the support for overhead conductors.
- C) Outdoor receptacles shall be located at least 18 inches above ground level.
- 7) Adequacy of Supports. Any structure used to support electrical wiring or equipment shall be capable of supporting the required structural loads. Electrical equipment shall not be attached to trees.
- 8) Tree branches. Dead tree branches which overhang distribution wiring shall be removed and live branches which touch distribution wiring shall be trimmed.
- c) Maintenance of All Systems

All electrical systems shall be maintained in a safe state of repair. All damaged or defective equipment shall be repaired or replaced. All loose equipment shall be secured. All face plates and panel fronts shall be in place and all live parts shall be covered to prevent accidental contact. All components of the electrical system shall be periodically inspected by the licensee to determine if they are properly functioning.

(Source: Amended at 14 Ill. Reg. 12663 effective July 20, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 300. APPENDIX A Regional Offices First-Aid-Kit-(Repeated)

Region 1 - Rockford
Roger Ruden
4302 North Main Street
Rockford, IL 61103
(815) 987-7511

Region 2 - Peoria
Frank Alai
5415 North University
Peoria, IL 61614
(309) 693-5360

Region 3 - Springfield
Merle King
4300 South Sixth Street Rd.
Springfield, IL 62706
(217) 786-6882

Region 4 - Edwardsville
Mike Hangerford
22 Kettle River Drive
Edwardsville, IL 62025
(618) 656-0680

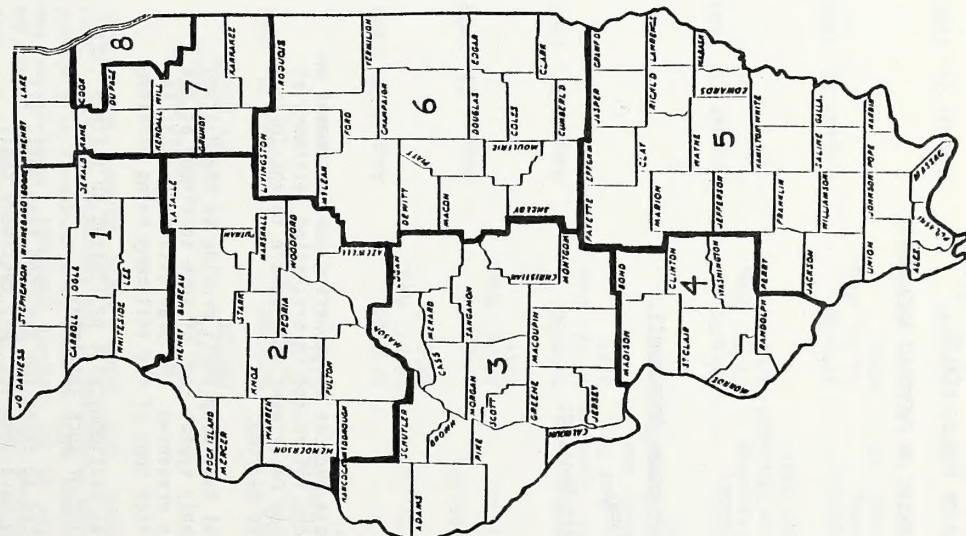
Region 5 - Marion
Muri Teske
2309 West Main
Marion, IL 62959
(618) 997-4371

Region 6 - Champaign
Mark Kuechler
2125 South First Street
Champaign, IL 61820
(217) 333-6914

Region 7 - West Chicago
Joe O'Connor
245 W. Roosevelt Rd., Bldg. 5
West Chicago, IL 60185
(708) 293-6800

Region 8 - Bellwood
Paul Levin
4212 West St. Charles Road
Bellwood, IL 60104
(708) 544-5300

CENTRAL OFFICE - Springfield
Clinton C. Mudgett, P.E., Chief
Division of Environmental Health
525 West Jefferson Street
Springfield, IL 62761
(217) 782-5830



(Source: Repealed 10 Ill. Reg. 11076, effective July 1, 1986; New Appendix A Added at 14 Ill. Reg. 12663, effective July 20, 1990)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3) Section Numbers: Action:
550.60 Refusal
- 4) Date Notice of Emergency Amendments Published in the Register: April 13, 1990 - 14 Ill. Reg. 5565.
- 5) Date JCAR Statement of Objection Published in the Register: June 22, 1990 - 14 Ill. Reg. 10159.
- 6) Summary of Action Taken by the Agency:

Objection: At its meeting on June 5, 1990, the Joint Committee on Administrative Rules (JCAR) issued an objection to emergency amendments to Section 550.60 of the department's Local Tourism and Convention Bureau Program rules. Specifically, JCAR objected to the use of emergency rulemaking because in their opinion there was no threat to the public interest, safety or welfare which justified the use of emergency rulemaking under Section 5.02 of the Illinois Administrative Procedure Act. The department however disagrees.

Response: Emergency amendments were necessary to ensure that rules amending the certification requirements were in place by March 31st. These revised certification requirements were determined through a series of meetings of this department with local governments and existing bureaus over an extended period of time. The purpose of revisions was to strengthen certification requirements, thereby maintaining the program's integrity.

The Local Tourism and Convention Bureau Program provides funds for destination marketing which serves to increase travel into and through the State. This in turn will lead to increased spending in the State that can enhance local economies and improve the welfare of Illinois citizens through the creation/retention of jobs and the generation of hotel/motel taxes to be used in community economic development. It is estimated that each year tourism brings 35 million visitors to Illinois who spend \$12.9 billion and generate \$445 million in state tax revenues. Approximately 219,000 Illinoisians are employed annually as a result of the tourist trade. Therefore the timely certification of bureaus was necessary to ensure funds were distributed to the bureaus at the start of the fiscal year when most of their activity occurs.

The department maintains that emergency rulemaking was necessary to avert a threat to the public interest and welfare. No changes will be made to the emergency rule in response to the JCAR objection.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 750

3) Register Citation to Notice of Proposed Amendments:

14 Ill. Reg. 11110 - July 13, 1990

4) Date, Time and Location of Public Hearing:

10:00 A.M.
August 28, 1990
First Floor Training Room
Illinois Department of Public Health
525 West Jefferson
Springfield, Illinois 62761

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 16, 1990, through July 20, 1990, and have been scheduled for review by the Committee at its August 21, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its August meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
8/31/90	Department of Public Aid, Point Count Guidelines for ICF/MR and SNF/PED Facilities (89 Ill. Adm. Code 146)	3/23/90 14 Ill. Reg. 4419	August 21, 1990
9/4/90	Illinois Racing Board, Over/Under Rules (11 Ill. Adm. Code 419)	5/18/90 14 Ill. Reg. 7406	August 21, 1990
9/4/90	Illinois Racing Board, Supertrifecta Rules (11 Ill. Adm. Code 421)	5/18/90 14 Ill. Reg. 7411	August 21, 1990
9/4/90	Department of Conservation, Muskrat, Mink, Raccoon, Opossum Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	3/16/90 14 Ill. Reg. 3764	August 21, 1990
9/4/90	Department of Conservation, General Hunting and Trapping on Department-Owned or Managed Sites (17 Ill. Adm. Code 510)	3/16/90 14 Ill. Reg. 3757	August 21, 1990
9/4/90	Department of Conservation, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	3/23/90 14 Ill. Reg. 4372	August 21, 1990
9/4/90	Department of Employment Security, Claims, Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720)	5/25/90 14 Ill. Reg. 7686	August 21, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
9/4/90	Department of Transportation, Driving and Parking (92 Ill. Adm. Code 397)	5/18/90 14 Ill. Reg. 7424	August 21, 1990
9/4/90	Department of Transportation, Driving and Parking, Repeal of (92 Ill. Adm. Code 397)	5/18/90 14 Ill. Reg. 7429	August 21, 1990
9/4/90	Department of Transportation, Driving of Motor Vehicles (92 Ill. Adm. Code 392)	5/18/90 14 Ill. Reg. 7438	August 21, 1990
9/4/90	Department of Transportation, Hours of Services of Drivers (92 Ill. Adm. Code 395)	5/18/90 14 Ill. Reg. 7442	August 21, 1990
9/4/90	Department of Transportation, Motor Carrier Safety Regulations: General (92 Ill. Adm. Code 390)	5/18/90 14 Ill. Reg. 7452	August 21, 1990
9/4/90	Department of Transportation, Parts and Accessories Necessary for Safe Operation (92 Ill. Adm. Code 393)	5/18/90 14 Ill. Reg. 7468	August 21, 1990
9/4/90	Department of Transportation, Procedures and Enforcement (92 Ill. Adm. Code 386)	5/18/90 14 Ill. Reg. 7472	August 21, 1990
9/4/90	Department of Transportation, Qualification of Drivers (92 Ill. Adm. Code 391)	5/18/90 14 Ill. Reg. 7487	August 21, 1990
9/4/90	Department of Revenue, Retailers' Occupation Tax (86 Ill. Adm. Code 130)	5/11/90 14 Ill. Reg. 7106	August 21, 1990
9/4/90	Department of Revenue, Service Occupation Tax (86 Ill. Adm. Code 140)	5/11/90 14 Ill. Reg. 7123	August 21, 1990

ILLINOIS REGISTER
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
9/4/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	3/23/90 14 Ill. Reg. 4415	August 21, 1990
9/4/90	Environmental Protection Agency, General Conditions of State of Illinois Grants for Nonhazardous Solid Waste Planning and Enforcement (35 Ill. Adm. Code 871)	6/1/90 14 Ill. Reg. 8429	August 21, 1990
9/4/90	Environmental Protection Agency, Procedures for Operation of the Non-Hazardous Solid Waste Fee System (35 Ill. Adm. Code 858)	6/1/90 14 Ill. Reg. 8444	August 21, 1990

Whereas, since 1983 the Bureau of Property Management for the Illinois Department of Central Management Services has operated the State of Illinois Center (SOIC) at Chicago, the largest state office facility in Illinois; and

Whereas, Stephen T. Hynes was the chief engineer at the SOIC from October 1, 1983, until his death on December 11, 1989; and Whereas, Hynes devoted his entire efforts as chief engineer to improving the mechanical systems in the SOIC and was instrumental in assisting the contractors in placing the heating and air conditioning system on line and developing operating procedures; and

Whereas, the dedication Hynes demonstrated in his job will be remembered by all who were fortunate enough to have worked with him;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 12, 1990, as STEPHEN T. HYNES DAY in Illinois. I urge all citizens to honor his memory and this observance by participating in appropriate activities and ceremonies.

Issued by the Governor July 9, 1990.

Filed with the Secretary of State July 23, 1990.

90-350

AMERICAN BUSINESS WOMEN'S DAY

Whereas, approximately 57 million working women are integrally involved in determining the directions in which the private and public sectors of this country will move; and

Whereas, these enterprising women hold active, responsible positions on all levels of business and will play an increasingly powerful role in the American work force; and

Whereas, the American Business Women's Association, a national educational association of employed women, believes that the enormous effects of today's dynamic, concerned businesswomen deserve recognition--not only the more than 100,000 members of the association, but all working women; and

Whereas, women have made an important contribution to building the strength and greatness of the United States and all evidence indicates the American businesswoman will continue her significant contribution to the progress of our nation.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 22, 1990, as AMERICAN BUSINESS WOMEN'S DAY in Illinois, in recognition of women's contributions to our state's economy and daily business activities.

Issued by the Governor July 16, 1990.

Filed with the Secretary of State July 23, 1990.

90-351

BROKEN ARROW DAY

Whereas, the Broken Arrow Horseback Riding Club (BAHRC) is an organization that sponsors fellowship aimed at drawing horseback riding to the city as a form of recreation; and

Whereas, members of the BAHRC have provided many worthwhile services to the community, including a donation to the La Rabida Children's Hospital which cares for chronically ill children; and

Whereas, the BAHRC sponsors many events and fundraisers each year, including an Anniversary Party and Variety Show and the "Black Cowboys" Rodeo that features events such as bareback riding, calf roping, and bull riding; and

Whereas, the BAHRC will hold its 2nd annual "High Noon" ride July 28 in Chicago;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 28, 1990, as BROKEN ARROW DAY in Illinois in conjunction with the BAHRC's "High Noon" ride and in recognition of this organization's continued service to the community.

Issued by the Governor July 16, 1990.

Filed with the Secretary of State July 23, 1990.

90-352

HELP RETARDED CITIZENS DAYS

Whereas, on October 26-27 the Illinois State Council of the Knights of Columbus members will conduct their 21st annual campaign for funds to benefit the mentally retarded citizens of the state. Last fall, the Knights raised over 1.6 million dollars, which were distributed to more than 300 organizations devoted to assisting individuals with mental handicaps; and

Whereas, the Illinois State Council of the Knights of Columbus has provided funds and personal assistance to enable the participation of youngsters in the Special Olympics program; and

Whereas, the council has provided more than 1.9 million dollars to build or reconstruct homes for the mentally retarded in all six Diocese of Illinois; and

Whereas, since the time of the Illinois State Council of the Knights of Columbus gave birth to this program, 43 other states have activated similar campaigns providing much needed financial assistance to the mentally retarded;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 26-27, 1990, as HELP RETARDED CITIZENS DAYS in Illinois and extend my appreciation to the Knights of Columbus for its generous efforts that benefit those less fortunate than themselves.

Issued by the Governor July 16, 1990.

Filed with the Secretary of State July 23, 1990.

90-353

LEUKEMIA AWARENESS WEEK

Whereas, on Sunday, August 5, 1990, the Leukemia Society of America is hosting a telecast from 11 a.m. to 4 p.m. live on WCIA Channel 3. Proceeds from this televent will benefit research into the causes and eventual cures for leukemia, multiple myeloma, and Hodgkin's disease; and

Whereas, estimates indicate that every week there will be 1,500 new cases of leukemia and related diseases diagnosed in our country; and

Whereas, the Leukemia Society is the largest national voluntary health agency dedicated to the control and eradication of leukemia and related diseases through the efforts of Leukemia Society-sponsored researchers in Illinois, the United States, and throughout the world. The Leukemia Society also provides expanding programs of patient aid, professional education, public health education, and community service; and

Whereas, the Illinois Chapter of the Leukemia Society of America provides grants for universities as well as direct financial aid to patients;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim the week of August 1-5, 1990, as LEUKEMIA AWARENESS WEEK in Illinois and urge all Illinoisans to support this worthwhile effort.

Issued by the Governor July 16, 1990.

Filed with the Secretary of State July 23, 1990.

90-354

TOASTMASTERS MONTH

Whereas, the abilities to speak effectively, listen carefully, and think critically are among the most valuable talents a person can develop; and

Whereas, the development of leadership abilities in men and women is of great value to our democratic society and the free enterprise system; and

Whereas, Toastmasters International, a non-profit, non-sectarian educational organization, is dedicated to providing the opportunity for developing these talents; and

Whereas, Toastmasters Clubs in Illinois make important contributions to the public good through their participation in community service and charitable programs;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as TOASTMASTERS MONTH in Illinois.

Issued by the Governor July 16, 1990.

Filed with the Secretary of State July 23, 1990.

90-355
ADULT DAY CARE WEEK

Whereas, Adult Day Care is a community-based group program designed to meet the needs of functionally impaired adults through a structured, comprehensive program that provides a variety of health, social, and related support services in a protective setting during any part of the day; and

Whereas, the centers also provide caregivers respite from the constant demands of the care-giving role and allow many caregivers to continue employment; and

Whereas, at the present time, there are more than 80 programs throughout the state, publicly and privately funded;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 17-21, 1990, as ADULT DAY CARE WEEK in Illinois and urge all citizens to be cognizant of this worthy effort.

Issued by the Governor July 19, 1990.

Filed with the Secretary of State July 23, 1990.

90-356
PATRIARCH DIMITRIOS DAY

Whereas, the 269th Ecumenical Patriarch of Constantinople and New Rome will be visiting the Illinois Diocese in Chicago July 22; and

Whereas, Patriarch Dimitrios, the spiritual leader and the highest-ranking clergyman of World Orthodox Christianity, will be the first Ecumenical Patriarch ever to visit the Western Hemisphere; and

Whereas, the Patriarch is directly responsible for the 250 million worldwide Orthodox Christians, and churches worldwide look to him for guidance and spiritual leadership; and

Whereas, His All Holiness oversees all meetings between Orthodox churches and other Christian faiths, closely involving him with the historic task of bringing Christians around the world closer together; and

Whereas, Patriarch Dimitrios is also deeply concerned with revising the World Council of Churches to make it "more theological" and "less sociological";

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 22, 1990, as PATRIARCH DIMITRIOS DAY in Illinois in honor of the Ecumenical Patriarch's visit to Chicago.

Issued by the Governor July 19, 1990.

Filed with the Secretary of State July 23, 1990.

ILLINOIS REGISTER

90-357
URUGUAY DAY

Whereas, August 25th is the 165th anniversary of the independence of Uruguay, a nation whose goals and objectives of freedom and democracy for its people are similar to those of the United States; and

Whereas, these two countries also share a long history of commercial ties, including Uruguay's invaluable assistance to the City of Chicago after its devastating fire in 1871; and

Whereas, as a trading partner with this country, Uruguay encourages the development of its resources, the enhancement of its agri-business, and the expansion of its industry to our mutual benefit;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 25, 1990, as URUGUAY DAY in Illinois in celebration of this significant date in its history.

Issued by the Governor July 19, 1990.

Filed with the Secretary of State July 23, 1990.